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Title: Discussion on the motion for consideration of the Civil Liability For Nuclear

Damage Bill, 2010 (Bill Passed).

MR. DEPUTY-SPEAKER: Now, the House will take up Item No.21, Civil Liability for Nuclear Damage Bill.

Shri Prithviraj Chavan.

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY; MINISTER OF STATE OF THE MINISTRY OF EARTH SCIENCES; MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE; MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PRITHVIRAJ CHAVAN): I beg to move:

> "That the Bill to provide for civil liability for nuclear damage, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto, be taken into consideration. "

I am very happy to take the indulgence of the House to consider the Civil Liability for Nuclear Damage Bill which really culminates the journey which the Prime Minister, Dr. Manmohan Singh undertook in July of 2005 to Washington to end the nuclear isolation of India, which we suffered after the first Pokhran's Test. A special regime to stop India from developing nuclear technology was put in place, the wholly architecture, by the name of Nuclear Suppliers Group, was put in place and we were completely denied elite high technology in the field of nuclear energy.

We, therefore, developed our own technology with whatever sources of uranium that we had in the country. We mastered the complete fuel cycle, right from mining, processing uranium, fabricating fuel, designing our reactors and generating electricity, and even after generating, the management of waste and reprocessing of the waste. The complete fuel cycle was mastered by our engineers and scientists.

Today, India boasts of a modest nuclear power programme, roughly, 4,500 MW in a total electricity generation capacity of 1,60,000 MW. It may not appear to be great but it is a very important option which we cannot afford to ignore, we cannot afford to ignore developing it further. The energy component of atomic energy is important. Even if you do not consider the strategic importance of our atomic energy, the medical benefit, the agriculture benefit, the benefit for our energy security in the future is far too important.

Dr. Bhabha set down a three phase programme. We completed the first phase. We mastered the pressurized heavy water reactor phase. We have gone to a capacity level of 500 MW. The second phase of fast breeder reactor, which will generate plutonium, is underway. Next year, we will start our first fast breeder reactor at Kalpakkam, and then on we hope to go on to the third phase where we start using our thorium resources of which we have the second largest reserve in the world. When we reach the thorium stage, we can really dream of energy security in the true sense.

From more sense than one, nuclear energy is important and we have decided when the Prime Minister undertook that historic journey to Washington in July of 2005 that we must work hard to end our nuclear apartheid and nuclear isolation. We are a different country, post 1991 economic reforms. We are in a position to spend money for building nuclear reactors. But we did not have technology beyond what we have got. We did not have uranium beyond what have got today.

That is why, after years of hard work, years of debate in this House, we were able to conclude in 2008 an agreement with the international community which has allowed us to participate in international civil nuclear commerce. The next logical step was to introduce a Civil Nuclear Liability Regime, a Regime which is present in 28 out of 30 countries which produce nuclear power. Only two countries – India and Pakistan – did not have a Civil Liability for Nuclear Damage Law and that is precisely what we are bringing now.

It is this country which suffered the worst industrial accident in history in Bhopal. Taking all those concerns on board the Government has continued to work. It was started in 2002, even before that, when we set up the Kudankulam Plant with

the Russian collaboration. I would like to acknowledge here the work done by the then Government in 2002 to start thinking about enacting a Civil Nuclear Liability Regime. The then Government could not complete its task, which fell to our domain to take that task further. But before that, the International Civil Nuclear Cooperation Agreement had to be signed. That having been done, we are carrying the work further and we have come before the House to pass the Civil Liability for Nuclear Damage Bill, 2010.

What does this Bill seek to achieve? This Bill is for prompt payment of compensation to victims who are really third parties in the case of an unforeseen nuclear accident. We have seen what happened in Bhopal. We did not have a prompt compensation payment system in place and that is why the victims of Bhopal Gas Tragedy had to run from pillar to post. The Government had to take the responsibility of getting payments from the operator. That is why, it is very important that we follow what happens in the rest of the world. 28 countries have a domestic legislation, which defines clearly the responsibility of each actor - the operators, the vendors, the sellers, the designers, consumers and the Government. The role of each actor in the nuclear energy production programme has to be codified and responsibility has to be fixed on each of them. This is precisely what this Bill seeks to achieve.

The Bill was referred to the Standing Committee on Science and Technology consisting of Members from all political parties. They took efforts to understand this complex legislation. It has got a technical dimension, an economic dimension, and an important legal dimension. I must thank the Members of the Standing Committee on Science and Technology who really took the pains. The number of meetings that they had I think was unprecedented. After discussing, consulting, taking evidence of experts in all these fields, the Standing Committee has made some valuable suggestions. The Government consulted Opposition leaders, the Government also consulted experts while the Standing Committee was considering the Bill. I am happy that the Government has tried to take on board the concerns of the Standing Committee, the suggestions of the Standing Committee, suggestions of the leaders of political parties, suggestions of the civil society groups and the media. We have come to the House with 18 amendments which strengthen the Bill, which bring in features, which originally we had not thought of.

Sir, I come before the House and say with all humility that there is an unprecedented political consensus across the political stream, including the civil society or whatever people we could bring on board. There was a slight contention about a few items. We explained them the logic of why we brought in some of the amendments, particularly the amendment to clause 71 and why the Government took the responsibility of taking on the insurance load. We explained to the leaders. Personally my leader, the Leader of the House, Shri Pranab Mukherjee, convened many meetings of the senior leaders and we bridged our differences. I am grateful to all important political parties that have, by and large, accepted our concerns. We have accepted their concerns.

I have today brought a new amendment to clause 17, for which there was a lot of political debate and public debate, which is a consensual amendment as agreed to by the principal Opposition Party, as agreed to by the Left Parties. But Left Parties still have some concerns. We have tried to address all their concerns. We have tried to tell them that this is not to help any country and this is not aimed at pleasing any particular leader. We are a large country and we will have a large programme. We are thinking of something like 40,000 *plus* megawatts expansion from the current capacity of 4,500 megawatts. Therefore, we are talking to four major suppliers of large nuclear reactors. We are talking to France's Areva. We are talking to Russia. We are also talking to two other companies – GE Hitachi and Westinghouse. These companies are Japanese-American companies. We will continue to talk to other countries which have advance nuclear technology, and the talks are going on. We want to expand our choice so that we get the best deal.

We have identified locations where these plants or these nuclear parks will come up. These parks will start off initially with two reactors each and expand to four, six and eight reactors, wherever possible. Therefore, it is certainly not aimed to please any one country. Of course, we are buyers and we have large amount of commitment on nuclear programme. Therefore, the countries, who hope to sell equipment to us, are all coming to us, whether it is France, Russia, US or Japan with which we are having interactions. All these countries, which have high technology, are talking to us.

Sir, without taking much of the time, I just would thank everyone who has worked very hard to build a political consensus, and made us accept some amendments. We were not very happy, but we have accepted amendments moved by BJP that the operator's liability limit should be increased from Rs. 500 crore to Rs. 1,500 crore. Today, the limit of Rs. 1,500 crore of the operator is exactly the same as US has for its industry. It is a very old, 60 year old industry in the US. They also started with a very low figure and gradually they have reached to the figure of US $ 300 million. Today we have matched the figure that the US has for its operator.

We have brought in some new amendments beyond what the Standing Committee had recommended. We accepted the concerns of my friends in the Samajwatdi Party. The Samajwadi Party, along with the Left Parties and the BJP, was very

insistent that this Bill must say upfront that only public sector companies will be allowed in the field of nuclear power. This is precisely what we have accepted and put upfront in the Bill. The preamble has been strengthened to say that it is a prompt payment compensation limit. There will be no litigation allowed and the victim will get prompt compensation straightaway.

I want to allay one more fear. Initially fears were expressed that maybe you are cutting short the jurisdiction of Indian courts. We have very specifically said that nothing, which exists today, is taken out. Whatever laws are existing today, like criminal law going after wrong-doers and evil-doers and the people who cause accident and all those laws which we are using to prosecute the perpetuity of Bhopal crime, remain intact. None of those laws have been abridged in whatsoever capacity. With all humility, I would like to submit to the House that this law is only for protecting the victims who might suffer from an unfortunate accident. They should get prompt payment without having to knock at the doors of the court, going from High Court to Supreme Court. It is for them and only for them. It is only in the interest of the victims who might suffer in an unfortunate accident that this Bill is being brought to the House.

I will say one more point and conclude. There are concerns about safety. Let me tell you that the world has about 14,000 reactor years of experience. There are 430 reactors working in the world and we have got 19 of them working in India. India has an experience of 400 reactor-years, and I am proud to say that there was not a single accident in India's nuclear programmes.

There have been two accidents in the world, namely, one in Ukraine and one in America. In the accident in Ukraine, two people died and 28 firemen -- who went to douse the fire -- died and there was radiation leakage, which was because of faulty design as it did not have a double containment. As regards the Three Mile Island (TMI) accident of US, there was a leakage and a meltdown, but not a single fatality. There was no leakage at all whatsoever. If you bar these two accidents and a few accidents in the research facility, nuclear energy programme is extremely safe. Particularly, after the Chernobyl accident and the TMI accident, everybody has only worked very hard at making the nuclear programme secure.

I am proud to say that NPCIL, our flagship company, which produces nuclear energy in the country, has an impeccable safety record. The second public company, namely, Bharatiya Nabhikiya Vidyut Nigam Limited (BHAVINI) -- which has started its first plant in Kalpakkam, Chennai -- is building a Fast Breeder Reactor (FBR) and it will be the second public sector corporation. We have already signed an agreement with NTPC, a large public sector company, which is a 15 per cent privately held company and NPCIL.

We will welcome any investment, but in a minority role and not in a majority role. We will not permit any private sector, whether Indian or foreign, to come and operate nuclear power energy. We welcome Indian industry, which has completely built the Indian nuclear power programme and many of them have done outstanding work. We welcome the Indian industry to join this programme. They need not have any fear and apprehension that anything, which did not exist today, is being brought in through this Bill. I also welcome the foreign suppliers who may have fears that this law may be too stringent against them. No, it is not at all so. It has exactly the same provisions of the Criminal Liability Law that is there, and we cannot move away from our Constitutional provisions and statutory provisions.

In an imported large reactor like the one we want to build in Ratnagiri, it will eventually be a 10,000 MW site. Six reactors of 16,500 MW will be built in Ratnagiri. It will be 10,000 MW at one location when the project gets completed.

What is the advantage of nuclear energy? People ask this question. I will just give one comparison in my opening remarks. If we are to build a solar power plant of the capacity of 10,000 MW, then imagine the amount of land that is required for it. A nuclear power plant will require 600 hectares of land and 2/3rd of it will be a green park around the nuclear island. It will be an eco-park, but the 10,000 MW solar power plant will take 20,000 hectares of land, of course, at today's technology. The Uranium-based nuclear power plant of 10,000 MW will require 350 tonnes of Uranium. But what will be the coal requirement for a 10,000 MW coal plant? One would require one shipload of coal every day, and, of course, the ash that comes out of it and the carbon-di-oxide that comes out of it ...(*Interruptions*)

SHRI GURUDAS DASGUPTA : You are talking about the present technology. Read it in the advancement of science and technology.

SHRI PRITHVIRAJ CHAVAN : The advancement of science and technology will happen in the nuclear energy also. Please do not forget this. Therefore, from the environmental concerns and from the global warming concerns for India's need and quest for clean energy, a nuclear energy is very important. I urge the House to support the legislation that we have brought to the House after huge amount of consensus across political spectrum and the civil society. I commend the Bill to the

House. Thank you, Sir.

MR. DEPUTY-SPEAKER: Motion moved :

> "That the Bill to provide for civil liability for nuclear damage, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto, be taken into consideration. "

SHRI JASWANT SINGH (DARJEELING): Mr. Deputy-Speaker, Sir, first of all, I must sincerely commend the hon. Minister of State, Shri Prithviraj Chavan, for the energy, application and assiduity with which he has worked towards achieving a consensus. I have known him for quite a few years, and I have always commended and complimented him on his commitment.

I am grateful also to the Leader of the House Shri Pranab Mukherjee who did us the courtesy of consulting with us, without which consultations, the Bill under consideration would perhaps have not reached the stage of a consensus that it has. I feel that I must also mention, Sir, that this is my first intervention in the House after a gap of over 15 months.

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): It is your first maiden speech.

SHRIMATI SUSHMA SWARAJ (VIDISHA): It is not his maiden speech; he spoke on the Finance Bill.

SHRI JASWANT SINGH : Still it makes me feel energized; it is after all a long sabbatical that I have had. Anyway, life is a new-old thing, so we take it as it comes: "रहिमन ठाढ़े बैठिए देख समय का फेर.....".

Sir, I must come to the Bill proper. It is a very serious issue that we are discussing because every thing nuclear is a very serious issue. We cannot take it with any degree of flippancy. It is also an issue which does not lend itself to oratorical flourishes or any kind of rhetorical invectives, etc. The hon. Minister of State spoke eloquently on the relevance of nuclear energy. The essence of the nuclear energy is nuclear power. I accept the statistics that he has cited that of the so many hundreds of plants, there have been only two major incidents or accidents. I think that does not lend itself the kind of commitment that is needed or conviction about the safety of this energy, or casualness in approaching it and because it cannot be done. I do want to very briefly cite to you that even Albert Einstein who in 1939 wrote to the then President of the United States of America – he wrote really to President Roosevolt, a fellow scientist – to say "one of the great mistakes in my life I made was to recommend the conversion of the nuclear energy into destructive energy." Now, this potential for destruction always being there, the approach of anybody who use this energy for peaceful purposes has to be extremely mindful of the consequences should a mischance happen.

Sir, this legislation has generated much comment. It has also generated the kind of activity by the Treasury Benches, particularly the able Minister of State, to try and achieve a consensus. I must also commend the media because I found that the watchdog role of the media in this particular legislation has really been commendable. I would like to cite particularly Siddharth Varadarajan, I think you have also mentioned his name, and also others like Brahma Chellaney who have commented very well.

Why do we need such a Bill? You, Mr. Minister, tried to explain it at great length. The aim was, Mr. Prime Minister, Sir, was to achieve 10,000 MW by A.D. 2000. I do not wish to repeat as to what stood in our way to actually achieve that because that aim or target of 10,000 MW was cited by late Mrs. Gandhi as a possible objective to be achieved long way back.

The previous Government, thereafter, chose the path of foreign intervention. And you chose the path of getting others involved so that we could purchase more nuclear plants, open ourselves to uranium imports, etc. I do not have to go through all that. But there were any number of reports, I am sure the hon. Minister knows, that, have addressed this question. The very first in 1999 we had Dr. JIRO KONDO Report. It is with some degree of some hesitation that I say that the MEA, in which I had the honour of serving, initiated the progress of preparation of such a Bill. I did not want to speak in first person singular but it is also a fact that as the Chairman of the Estimates Committee I had initiated an examination of nuclear plant safety, which report was subsequently cited very favourably even in the international quarters.

The parentage, the origin, the genesis of this particular legislation, as the hon. Minister of State himself said, lies in the nuclear agreement of 2005. The Bill, therefore, has its roots in that particular first step. Thereafter, the difficulty that has arisen subsequently in the management of the piloting of this Bill has arisen because, amongst various other factors there has been some hesitation, from the very beginning, on the part of the Government to accept the parentage of the Bill. The

genesis lies in 2005. Thereafter, there is a further decision that acted as a kind of, if I might put it to you in idiomatic terms, an IOU. That IOU was signed on 10th of September, 2008 by the then Foreign Secretary, upon the instructions of the hon. Prime Minister. That became an IOU through which we committed ourselves to the United States of America, to purchasing a certain number of power plants and of a certain megawattage that was then cited. That IOU of 10th September, 2008 thereafter became the impulse which, suddenly, now in 2010, has been activated because we anticipate, or we expect, or we read reports of the visit to India of the President of the United States of America.

I say that while one could discuss and repeatedly examine the question of the relevance and role of nuclear plants in the total energy sector, as to whether the impulse of the urgency or the kind of hustling almost which the Government has engaged in in recent weeks, I should say, would have been absent if the requirement of the encashment of that IOU had not arisen. In simpler terms, 10 सितम्बर को एक हुंडी पर दस्तखत हो गये थे, वह हुंडी अब हमारे पास आ गई है। लाइये, उसका पैसा वसूल करते हैं। दिक्कत उस हुंडी की वजह से हो रही है, ये इस बिल की महत्ता को घटाता है। And it is not in harmony with the high sentiments that otherwise you, Mr. Minister of State, have with such eloquence and commitment, given voice to.

What are the issues, therefore, that we have to cover? I have to rely, Mr. Deputy-Speaker, against normal parliamentary convention to note to read out a prepared text because I do not belong to the Treasury Benche, as only the Treasury have the liberty to read from prepared texts. I would like also to quote some part and to read out such parts as are of a central relevance that lies in the fact that we seek to import nuclear power equipment, as the hon. Minister of State said. If we do not wish to import and if we wish to continue to pursue only the indigenous, the Bhabha three stage route, or whatever else, then, of course, there is no relevance of this Bill except I do, personally believe that the country must have a Civil Nuclear Liability Bill even for its own internal use, which view I have shared on several occasions with my other colleagues.

It is also a fact that of the suppliers that today are in a position to provide us plants- Russia, France, the United States, South Korea and Japan – they would all expect that the buyer has relevant laws that cover provisions of this nature. I wish to say, Sir, and I share with the House that potentially as of today for we, India, is in the market to obtain up to almost 40 nuclear power plants. I would like to know from the hon. Minister as to how much this 40 would cost. I do also submit to you that there is no other country in the world today that is in a position to buy 40 plants. No other country wants to. We are, therefore, not in a weak position. It is a buyer's market and in terms of the market, he must, therefore, approach this whole issue, including this Bill, with that factor as the central guiding factor. We should not be persuaded. I do not know as to how much 40 nuclear power plants would cost but whatever they cost, and I appeal particularly to the Finance Minister, you are so assiduous and careful with the finances of the country, may I appeal to you to apply yourself particularly to this aspect – we are in a buyer's market – we do not have to always follow the dictates of the sellers and I do get an impression in this that we are being told by the United States of America, `do it before President Obama comes', so that we are able to do this. Do not do it. They have to sell to us because they have no other market. If you did it, and if you went down this path with care, you would carry the country with you. I assure you on this. The whole purpose is to carry a larger community of India with you, not a small section of the United States of America. I do not say it with any chauvinistic exaggeration, I say it as a common Indian and appeal to you to take this into consideration.

I have to quote here the Government's viewpoint, Mr. Deputy-Speaker, and what Shri Balachandran has stated with lucidity, it says "if it is felt that India's long term energy security will require substantial reliance on nuclear power and plans to achieve that would be possible in a shorter period, only with imported reactors and equipment, then, this Bill has a relevance, and then, any Bill that goes beyond the norms of international convention in signing supplier liability will result in denial of reactor."

That is the substance of the Government's position; and that is what has initially persuaded the Government to come out with drafts that it did. We are objecting it, working on the basis that whether it is true that we have an energy programme or not, whether it is true that we have a different view on that or not, now that is a matter of past; that is a fait accompli; there are going to be nuclear power plants. You are thinking in terms of 40; you are committing the country and the future generations to a nuclear programme. Please, therefore, consider the future generations of India, not simply the present President of the United States of America.

I am not and I do not say this with any degree of disrespect or denigration to the visiting dignitary. I have personally, in my different capacities, which my Party had assigned me to, worked for very close relations with the United States of America, but very close relations for an assertive and a resurgent India. So, you do not have to bother about that.

That is why, the whole question of suppliers' liability needs to be carefully considered and considered with great attention. Now, it has been suggested by some that imports from Russia can be obtained without that. If imports from Russia can be obtained without such commitments of suppliers' liability, then why do we do with other countries or why do we do this with the United States of America.

There are three reasons. Firstly, it would be an over-simplification, I think, with whatever information I have, to say that – perhaps you can clarify that; actually Russia has some difficulties in agreeing to this. Secondly, when Russia finally, which it wants very much to become and enter the WTO as a member, then it would not be able to do any specialized deals of this kind. The third and the principal difficulty here is again the IOU of 10th September 2008. There is no such IOU with Russia. There are agreements; they are now asking for a similar treatment as we gave to the United States of America.

So, the Parliamentary Standing Committee – Mr. Minister is right – had spent a great deal of time. They examined a range of officials and non-officials. It would not be proper on my part to comment on the Standing Committee's endeavours, except perhaps to share with you that at times, it was very difficult to understand what the Standing Committee actually means. I am not criticizing; I am simply quoting what the Standing Committee had said. This is something that is directly from the Standing Committee. It says:

> "So far as the International legislation concerning nuclear liability laws is concerned, the Committee was also informed that as far as the Convention on Supplementary Compensation, CSC, which has been developed under the auspices of International Atomic Energy Agency, IAEA, provides for relations among all countries that accept the basic principles of nuclear liability law and an international fund to compensate for nuclear damage, in the event of nuclear incident."

I read it 4-5 times and I have read it again. I still cannot make any sense out of it, is this what you are trying to do, Mr. Minister? This is very curious use of languae; otherwise, it is an unintelligible use of language. I would not pursue this further, but because of its origin and the manner in which the Government hustled the Committee to finish its work; it created great doubts in our mind – why are you hustling? Why are you hustling the Committee, why are you hustling the Parliament and why are you hustling the entire issue, which is otherwise a very important issue?

The Bill makes the operator, essentially, of a nuclear facility absolutely responsible for any damage without any means to establish any proof or liability. This is done, as in all Nuclear Liability Acts, to make it possible for the victim of any nuclear incident, accident to be compensated, as you said, expeditiously within a specified time period and without having to establish any liability whether of the operator or anybody else before any Court or Authority. Most such Act further enacted to make sure that the operator has adequate resources directly or by way of insurance and, therefore, to cover all accidents except the gravest kind of accidents. You have cited Chernobyl. No insurance activity can possibly cover any incident like the Chernobyl. It is the minor incidents that get the insurance cover. There are other aspects of the insurance and rewarding compensation to which I will come in a moment.

It is really Clause 17 (b) of the Bill dealing with the operators' right to recourse, or the right of recourse which then became the bone in our throat. You have worked over time to remove that bone. I do not know if that bone has been fully removed. We will examine carefully the long list of amendments that you have moved.

The International Convention gives the operator the right of recourse against the supplier. Firstly, "(a) such a right is expressly provided for in contract in writing; (b) or the nuclear incident has resulted from the act of commission or omission of a person done with the intent to cause damage". This arises from Article 10 of Vienna Convention and also Article 6 (f) of Paris Convention. The original Bill that you moved had said that the operators have a right to recourse where the nuclear incident has resulted from the wilful act or from gross negligence on the part of the supplier of material, equipment or services or of his employees. This is an exact replication of what is contained in the Bill that is relevant in South Korea. May I submit you, Mr. Minister, India is not South Korea and we do not have to follow the example, whether of South Korea or any other. I do not say it again with an exaggerated sense; India is uniquely India. We will bumble along, we will make mistakes, we will do what we are doing in Commonwealth Games and yet at the end of it, do all this some sense shall have emerged, and that liberty, but that kind of cushion or what is called *jugad* is sadly not available in the realm of the nuclear power plant, for the reasons that I shared with you earlier about the enormous damage capacity of the nuclear energy.

I do not want to go into the history of what the Committee did and the suppliers' liability etc. You have cited an example of the United States of America. The United States of America, which is commonly cited as permitting suppliers liability, does not always operate through the operator. Whether the supplier is held responsible for the liability or not, it has to be paid by the operator. Nowhere else, in any of the countries that you have cited, in any Nuclear Liability Bill, the supplier is held responsible. I accept that.

15.00 hrs.

That is why either of the two conditions that we have tried to submit to you and get you to admit should be taken

into account. The kind modification that you have agreed, I have not had the chance to study that. You seek to bring this Bill, that you have moved, in line with the international convention. The smaller bone of 'and' was removed, and suddenly 'intent' came in; a larger bone which continue to trouble us still, till now. Of course, one is this 'bone' proper. The second thing is that from where have these bones emerged because the Committee recommends something; you speak with some of my colleagues; they discuss the issue with you; you agree and then you go into the labyrinths of bureaucracy or wherever and out of that endeavour something emerges and there again is a 'bone'. This is what has caused all this delay and this is what has persuaded me to say that it seems that all this has been hustled. I accept what my colleague and valued friend said. He suggested that I must raise an objection about the Chairman of the Nuclear Power Corporation going public. We are engaged in this discussion, and whereas he has a right to give his view, but I do not think he has a right to question what the Parliament is doing or to comment on it. It is because an entire climate was created that it is a free for all. When we want, we will bring an 'and', and if the Parliament says remove 'and', then we will bring in 'intent'. Therefore, the questions arose about the real intent of the Government of India. I spent some time, I must say Mr. Minister, and I went to the Oxford compact dictionary to learn what is this intent? I also went to the Rogete's Thesaurus to see what is this intent? Why does it crop up at the time like King Charle's head one obstacle after another cropped up. Sir, I do I accept that we will always examine what we are going to purchase. Of course, we already have a Bill which permits the Government of 49 per cent private ownership. Forty-nine per cent is a very large percentage of shareholding. But eventually I will be coming to that in a minute. Now ultimately I accept that it is the operator and the Regulator of India who will firstly, judge the effectiveness, the *bona fides* or what is called due to diligence through which you judge the capacity and the capability prudently to see whether the supplier is in a position to supply us what we are wanting to buy, and to ensure that the supplier provides the right equipment. Why thereafter, do we still insist on these safeguards? Because the possibility of error, because also of the consequences of a nuclear error which are enormous. There is a second possibility, Mr. Minister you tangentially touched it. But it is very essential in today's environment in which this Bill has been brought and that is Bhopal. The consequences of Bhopal continue to affect us, continue to influence and they continue to seize our sensibility in this entire debate.

15.05 hrs.

(Shri Francisco Cosme Sardinha *in the Chair*)

What, therefore has happened as I shared with, in a private conversation, the Leader of the House the challenge of governance now requires us to meet the shortage, meeting the energy shortages through the nuclear route and the public policy in question in this regard.

You have to reconcile these two, which are apparently in conflict. Why are they in conflict? Firstly, because the nature of nuclear energy is such that everything nuclear is treated with a great degree of caution and scepticism. Secondly, why nuclear? It is because we have all along, up till now, treated nuclear as rather a closed door activity which is why Pandit Nehru had made it the 'Atomic Energy Commission', like the 'Planning Commission' because he did not want the effort of the country to be trapped in bureaucratic rigmarole that otherwise today seizes India in its fist. It became a Commission. But the adverse consequences of a Commission were that it got removed from public scrutiny, public information and concern, everything nuclear became a kind of closed door secret activity. Now, with the kind of an effort we are currently making to get the world community involved, when legislations are being brought, a contrary demand arises in public mind. What is it? Is it dangerous, or not dangerous? It, therefore, becomes incumbent on the Government to work on the foundation of this and to re-educate. It is no longer a question, Mr. Minister, of taking Parliament along with you. You have to carry the country with you. That is public policy. You have the interest of the State. That, of course, requires energy. Who questions that? But how do you reconcile it? Not through secrecy.

I submit to you here that there is a great deal of disquiet Mr. Prime Minister that we have that there have been initiatives taken by the Government which came to Parliament as after thoughts, as a kind of *ex post facto* discussion. You are right that you have often given us assurances in Parliament when in 2005 the journey of nuclear co-operation started. I do not want to cover that entire thing again. The same questions arise about this. The impression created is that Government has not been candid enough, and that the Government has tried to hustle us suddenly. If the IOU was of 2008, then why in the eighth month of 2010, are you suddenly in a hurry to get it done? That is the question. You do not have to answer to me, but you have to answer the question that arises in the minds of our citizens.

Sir, this is where, I might be over-using the example of the bone, the bone got stuck. This is what you are essentially

trying to do; to achieve facilitation for suppliers of nuclear commerce and reconcile with public perception and policy. You are trying to reconcile these two, which is not an easy task. I accept it. But you have gone about it in a fashion that raises questions which only you can answer. I do ask these questions idly, I do ask these questions but not with any malign intent. I ask these questions because I am really concerned. It is an important step that India is taking. Candour is essential. In such an important step, you cannot be anything else but candid about the whole matter.

Dr. Manmohan Singh has taken many steps in this regard. I appeal to him to take the observations that I have made in the right spirit because along with the kind of secretiveness, there is also, if you permit me to say and as some of my friends say, a kind of `sleigh of hand', a trickery. If you agree to one formulation `and', it goes back and returns with 'intent' and you agree to remove `intent' and it comes in again, give an impression of repeated and continuous `sleigh of hand'.

It is not really a card game of that nature that we are seized with. It is a very serious endeavour. So, to carry the Parliament with you Candour is a must, your task then would relatively be a simpler and an easier way.

I must very shortly cover some other issues too. I have covered the rationale behind the issue but there are some other difficulties. There are difficulties with the amendments that have already been moved. I must acknowledge how much I have benefited by discussing the amendments which my colleague, Shri Yashwant Sinha. I wish very much that he had intervened because on the amendments he is certainly far more able.

Broadly, there are larger, conceptual and fundamental questions. There are drafting and other procedural difficulties which I have just covered. We have covered the question of why there is this kind of artificial urgency. In the hierarchy of priorities, is this the most important activity? I am sorry to say it but perhaps, we are also guilty and answerable. I do think this Government has changed the hierarchy of priorities. I would personally wish to spend much more time in what is happening in Jammu and Kashmir today, I agree, this is an important piece of legislation, but what is happening in Jammu and Kashmir is also the most centrally important issue that concerns the country today. The hon. Prime Ministry quite rightly had also pointed out that the question of Maoists is a challenge that poses the most serious challenge to India's internal security. I would think that that would rate a higher priority but you have made efforts on this. I really think that there is a very able Home Minister for whom I have very high regard. He should have been given the freedom to operate, to try and arrive at a consensus to sit with us. He could sit with us and talk about Kashmir or about the Maoist or other law and order issue. But I do not want to continue to labour on this point.

Then there is some conflict and confusion between Foreign Policy, international relations and Non-Proliferation. I have said that India stands apart, India is not South Korea or Japan. We stand apart because we are not an NPT country. We are also not a CTBT country. Yet, we are a nuclear power and also that we are recognised as standing on the doorsteps of being a nuclear countryâ€¦. Therefore, we have to conduct ourselves in a similar fashion. We do not have to conduct ourselves as a kind of a supplicant to the United States of America. We are in a buyers' market and we have to, therefore, work on the basis of being able to dictate terms as we had done earlier when we were discussing in the WTO or elsewhere not dictating terms but standing for India. That is all that is required.

So, there is a question that arises about private versus public ownership. 49 per cent private ownership in any case is permitted at the present moment. Do you intend to go further? If you do not intend to go further, then some of the provisions and amendments really raise questions about it. You have to answer all of them. I do not want to harp on them all the time.

There is also a question of technology upgradation. Of course, it is self-evident that if we import such plants, it will enable us, through the import itself to upgrade our technology. It is axiomatic. You kindly acknowledge late Homi Bhaba's three steps. I begin to suspect that it is languishing.

And, we keep on asking about the status of thorium. What is the status of thorium? There is no satisfactory answer. We had also dealt with this subject. It is not fault finding. I have been out of circulation for the last six years, thus I am not current with the latest developments. If I ask you this question, it is not to assign any blame but it is to share a sense of concern. How can you abandon the thorium route? That, ultimately, is the answer for India's self-reliance. If it is that in the interim you wish to do this then calculate cost benefit; I do not know how much a nuclear plant will cost us. Would that additionality help us? I recognise the difficulty of the indigenous versus the imported debate. I had to deal with the difficulties of the DRDO once. I do not want to go into any details. I accept the difficulty of even the Atomic Energy Commission. We say more than what we can achieve. It is perhaps not such a bad thing. It is an aspiration. The Government needs to encourage them.

Sir, I now come to the overhang of uncertainty in the international relations, particularly on the question of NPT and the

CTBT. The NPT Review is one of the important factors. What would happen if it is agreed, as is entirely likely? We cannot be a signatory to the NPT. We cannot, as things stand now, subscribe to the CTBT. As things are progressing, I do foresee that the United States of America, which has a Democratic Government, will insist upon this because that is their international programme then what happens in the case of nuclear holocaust? Which is why, I have a different approach to compensation. I shared it with you also, with the hon. Prime Minister and the Leader of the Hous; I do not think you can ever compensate for a real nuclear holocaust. The concept of compensation is to provide money in lieu of loss of land. If people lose land, you pay some money. How do you compensate the loss of life? Let me just cite you an example of our immediate Western neighbour. How do you compensate the kind of tragedy that has today struck Pakistan? One-fifth of the country has been badly devastated. Then, millions and millions of people have been uprooted. Villages have gone, have been obliterated in the flood. You know how many were killed in Hiroshima in one strike. Nuclear accidents, Heaven forbid, do not fall in the category of ordinary compensation. That is why, I have shared it with my colleagues when we first discussed this issue. I have some difficulties with compensation. I do not have an immediate answer. If you would, perhaps, say and justify that what I am saying is from a philosophical point of view rather than an executive point of view, I think Governments quite often must and do have to address even philosophical questions, particularly about uncertainty when we are talking of an issue like a nuclear plant which can really devastate millions. Therefore, it is no good saying that you have raised the compensation from Rs.500 crore to Rs.1500 crore. My colleagues, perhaps, would find it adequate.

I have also some difficulty in regard to some of the amendments that you have moved. I shall come to them in a moment. But very briefly, I would say that one of the technical points is there. You have said that each of the plants is really of 1650 MW capacity plant.

Please correct me if I am wrong. I don't think 1650 MW nuclear power plants are in use anywhere in the world, whether they be French or US. These 1650 MW plants will be used in India for the first time. Are you convinced that these 1650 MW plants have been fully tried and tested?

Now I wish to move towards the amendments and to my conclusion. You must resolve the issue of 'intent'. I don't want to read the amendments because that will take the time of the House. But the central question remains about 'intent'. How can you prove 'intent'? Therefore, I believe you will address it.

I also wish to refer to a provision made for Special Drawing Rights. I don't understand this because if none of the operators is going to be foreign, this will not be necessary. Unless you have a commitment which is behind a cloak – and this commitment is to the USA whose domestic legislation requires this to be included – this will not be required. If you have any such commitment, please be candid; please tell us why this SDR is required.

There is another one here on page 6, after line 8, insert,

> "Provided that the Central Government may, by notification, assume full liability for a nuclear installation not operated by it if it is of the opinion that it is necessary in public interest."

Now, all the nuclear plants in the country are operated by the Government. They are actually operated by a public sector undertaking which is owned by the Government. If it is not operated entirely by the Government, you wish to achieve it by notification. I don't understand this. It is confusing and makes us wonder as to why you are doing it.

Sir, I have moved my amendments. I do not wish to read them now. But I wish to add that the Government will have to address itself to the question of amending the Atomic Energy Act of 1962. Unless that is done, a number of untidy aspects of this hazard will remain. Then, you will also have to amend the Insurance Act. But in the present situation, a question has arisen about inspecting the 'hot zone' which is the core of a nuclear plant. You will have to address this point also.

I understand that during the Standing Committee's examination of this Bill the Environment Secretary said that the aspects of environment are fully taken care of. I personally feel that it is a bit of a bureaucratic answer. The aspects of environmental damage are enormous and I do not think we have the experience or even the understanding of what goes into it. You cited the example of Chernobyl nuclear blast. I don't think the Environment Ministry studied the consequences. Have they gone to Chernobyl and studied what happened there and what were the consequent damages to the environment?

Sir, I wish to say that we are a greatly water-stressed country. We have the largest population of cattle in the world.

We have the second largest population of goat and sheep after Australia. We have the second largest population of human beings. We have the largest population of camel. Please do not laugh at 'camel'. They are all very large aspects of our

country's resource. When I talk of water, that water is a need for them also. I would have been remiss in my intervention if I have not said this.

I must conclude by saying please accept the amendments that we have moved. If you accept the amendments, we will support the Bill. I, in turn, accept that India is not an island. We have to live with others, but we have to live with our head held high and we have to live in the forefront of comity of nations not as following them. I will be together with you and in step with you, but please give to us, to the country and to the Parliament what is our due. Give us *Izzat*, give us the needed information, give us Candour and give us truth.

श्री मनीष तिवारी (लुधियाना): माननीय सभापति महोदय, सबसे पहले मैं आपका बहुत-बहुत मशकूर हूं कि आपने इतने महत्वपूर्ण विधेयक पर आज मुझे अपने विचार रखने का मौका दिया। श्री जसवंत सिंह जी की बोलने की शैली का मैं सदा से बहुत कायल रहा हूं और इनके वक्तव्य के बाद इस मुद्दे के ऊपर कुछ भी कहना मुश्किल जरूर हो जाता है। परंतु मैं अपनी बात सबसे पहले डा. होमी भाभा, डा. विक्रम साराभाई और हिंदुस्तान के उन अनेक साइंसदानों को नमन करके शुरू करना चाहता हूं, जिन्होंने भारत के परमाणु कार्यक्रम की नींव रखी और यातनाओं के बावजूद भारत के परमाणु कार्यक्रम को आगे बढ़ाते रहे। परमाणु युग में भारत की यातनाओं का दौर 18 मई, 1974 को शुरू हुआ। जब श्रीमती इंदिरा गांधी जी ने, जो इस देश की प्रधान मंत्री थीं, भारत का पहला परमाणु परीक्षण किया। पोखरण में एक ओर बुद्ध मुस्कराये और दूसरी ओर दुनिया का मुंह सिकुड़ गया। 1974 में सप्लायर्स क्लब बना, 1975 में न्यूक्लियर सप्लायर्स ग्रुप में परिवर्तित हुआ। भारत के ऊपर प्रतिबंध लगे। परंतु उन प्रतिबंधों के बावजूद भारत के साइंसदानों ने हमारे परमाणु कार्यक्रम को आगे बढ़ाया। 1998 में जब एनडीए की सरकार थी, उन्होंने भारत का दूसरा परमाणु परीक्षण किया। हमारे ऊपर प्रतिबंध और तेज और मजबूत किये गये, परंतु उसके बावजूद भी हमारे साइंसदानों ने उस कार्यक्रम को आगे बढ़ाया। उन प्रतिबंधों को तोड़ने के लिए माननीय जसवंत सिंह जी अगर मुझे ठीक तरह से याद आ रहा है, उस समय प्लानिंग कमीशन के डिप्टी चेयरपर्सन थे। उन्होंने स्ट्रोब टालबोट से बातचीत शुरू की, अमरीका से बातचीत की, नैक्स्ट स्टैप्स इन स्ट्रेटेजिक पार्टनरशिप का जन्म हुआ।

जब 2004 में यू.पी.ए. की सरकार आयी तो डॉ. मनमोहन सिंह तत्कालीन और वर्तमान प्रधानमंत्री ने उस प्रक्रिया को आगे बढ़ाते हुये अमरीका के साथ परमाणु ऊर्जा के संबंध में एक संधि पर हस्ताक्षर किये। 1974 में परमाणु रंगभेद की जो प्रक्रिया शुरु हुई थी, उसे समाप्त किया। उसका नतीजा यह है कि आज सिर्फ अमरीका ही नहीं बल्कि फ्रांस, कनाडा, रूस, कज़ाकिस्तान और जापान, जो एटमी आविष्कार पर संताप था, उसे उसने अपने सीने पर भोगा था, आज उस जापान के साथ परमाणु को-आपरेशन को लेकर भारत के साथ बातचीत चल रही है। अब सवाल पैदा होता है कि यह विधेयक भारतवर्ष के लिये क्यों जरूरी है? इसका सीधा सा उत्तर है कि हमें ऊर्जा चाहिये।

सभापति महोदय, मैं एक औद्योगिक नगरी से आता हूं और उसका प्रतिनिधित्व करता हूं। वहां सात दिन में से 4-4 दिन बिजली कारखानों में नहीं रहती है। जितने कारखानेदार हैं, जो उद्योगपति हैं, उन्हें डीजल के जनरैटर चलाकर 12 रुपये प्रति यूनिट के हिसाब से बिजली खर्च करनी पड़ती है। आज प्रश्न यह है कि हमारे पास बिजली के क्या स्रोत हैं? सब से पहला कोयला, दूसरा पानी, तीसरा पवन और चौथा सूर्य।

सभापति महोदय, मैं सब से पहले कोयले पर आता हूं। भारत में कोयले पर आधारित बिजली उत्पादन यूनिट्स बहुत ज्यादा हैं। आज भी साफ कोयले की टैक्नौलोजी है, वह इज़ाद नहीं हो पायी है। अगर भारत को अपनी ऊर्जा बढ़ानी है, अगर हम कोयले पर निर्भर रहे तो कश्मीर से लेकर कन्याकुमारी तक जितना आसमान है, वह काला-काला दिखेगा, सूर्य नहीं दिखाई देगा। मैं इसका एक उदाहरण देना चाहूंगा। मैं पिछले दिनों संसद का सत् शुरु होने से पहले ढाई दिन के लिये बीज़िंग में था, जो चीन की राजधानी है। यह मेरे लिये बड़े संकोच की बात है कि उन दिनों मुझे सूर्य एक क्षण के लिये भी दिखाई नहीं दिया क्योंकि बीज़िंग के आसपास जितने कारखाने हैं, वे कोयले से चलते हैं, इसलिये कोयले के कारण काफी प्रदूषण था। वर्ष के 365 दिनों में से शायद 200 दिन तक ऐसा होता है जब सूर्य दिखाई नहीं देता है। हमें फैसला करना है कि कि क्या हमें विकास चाहिये कि इस तरह के ऊर्जा स्रोत की आवश्यकता है जिससे पर्यावरण पर सीधे सीधे असर पड़े?

सभापति महोदय, दूसरा सवाल पानी का आता है। जिस तरह से बड़े डैमों को लेकर पर्यावरण कार्यकर्ता, राजनैतिक नेता उसका विरोध करते रहे हैं - विशेषकर सरदार सरोवर डैम या देश के बाकी जितने बड़े बड़े प्रोजैक्ट हैं, उनके कार्यकलापों में जितना डिले हुआ है,. वह संसद और यह देश अच्छी तरह से जानता है। अब सवाल पवन और सूर्य का पैदा होता है। यह हकीकत है कि आज भी चाहे विंड एनर्जी हो या सूर्य एनर्जी हो, उस टैक्नौलोजी का ईज़ाद नहीं हुआ है जिससे कि वह आर्थिक रूप से वारा खा सके।

अगर भारत को तरक्की करनी है तो हमें परमाणु ऊर्जा के रास्ते पर चलना पड़ेगा। अब सवाल यह पैदा होता है कि आज की तारीख में भारत में एक लाख पैंतीस हजार मेगावाट ऊर्जा का उत्पादन होता है, यह एक लाख चालीस हजार मेगावाट भी हो सकता है। अगर भारत की अर्थव्यवस्था को 9 प्रतिशत पर बढ़ना है तो अगले 20 साल में वर्ष 2030 तक हमें चार लाख पचास हजार से पांच लाख मेगावाट बिजली की जरूरत पड़ेगी। यह बिजली कहां से आयेगी? यह बिजली परमाणु बिजलीघर लगाने से आयेगी। इसीलिए जरूरी है कि यह जो विधेयक है, क्योंकि माननीय जसवंत सिंह जी ने भोपाल का जिक्र किया, भोपाल के ऊपर इस सदन में चर्चा हो चुकी है, मैं उसे दोहराना नहीं चाहता हूं, पर यह भोपाल ही कारण था कि वर्ष 1991 में पब्लिक इंश्योरेंस लाइबिलिटी एक्ट इसी सदन ने पारित किया था। वह जो पब्लिक इंश्योरेंस लाइबिलिटी एक्ट है, सार्वजनिक दायित्व बीमा अधिनियम है, उसमें अगर कोई परमाणु दुर्घटना हो जाये या कोई परमाणु हादसा हो जाये, उसका उसमें उल्लेख नहीं है, उसमें जिक्र नहीं है। अब मैं अंतर्राष्ट्रीय परिप्रेक्ष्य पर आता हूं, जिसका माननीय मंत्री जी ने भी जिक्र किया था कि अंतर्राष्ट्रीय परिप्रेक्ष्य क्या है?

महोदय, आज दुनिया में 437 परमाणु बिजलीघर हैं। उन 437 परमाणु बिजलीघरों में से 416 ऐसे हैं, इस दुनिया में 30 मुल्क हैं, जहां पर परमाणु बिजलीघर हैं। उनमें से 28 देशों में 416 परमाणु बिजलीघर हैं, वहां किसी न किसी तरह का जो लाइबिलिटी स्ट्रक्चर है, दायित्व की जो एक न्यायिक प्रणाली है, वह न्यायिक प्रणाली उन मुल्कों में है। सिर्फ दो ऐसे मुल्क हैं, भारत में 19 परमाणु ऊर्जा के बिजलीघर हैं और पाकिस्तान में 2 परमाणु ऊर्जा बिजलीघर हैं, जहां पर इस तरह का कोई लाइबिलिटी रिजीम नहीं है। इसलिए यह जरूरी है कि जब हम अपनी परमाणु क्षमता को बढ़ाने की कोशिश कर रहे हैं, हम इस तरह का विधेयक लेकर आये, इस तरह का अधिनियम पारित करें, जिससे यह दायित्व की प्रणाली एग्जिस्टेंस में लायी जा सके। जसवंत सिंह जी ने जो बातें कही हैं, मैं उनका जवाब देने की कोशिश करूंगा। इस विधेयक में मोटा-मोटा है क्या, इस विधेयक में सबसे बड़ी बात यह है कि जितने भी परमाणु बिजलीघर के प्रचालक होंगे, जितने परमाणु बिजलीघर के ऑपरेटर होंगे, वे सारी हिन्दुस्तानी कंपनियां होंगी, सरकारी कंपनियां होंगी। किसी भी विदेशी कंपनी को या किसी विदेशी नागरिक को कोई अनुमति नहीं होगी कि भारत में किसी तरह का परमाणु बिजलीघर चला सके। हां, यह बात जरूर है कि जब हम क्षमता बढ़ायेंगे, उस क्षमता को बढ़ाने में भारत के सप्लायर्स भी और फॉरेन

सप्लायर्स भी अपना योगदान देंगे।

महोदय, अब मैं इस बात पर आना चाहता हूं कि इस विधेयक के मुख्य उद्देश्य क्या हैं? इस विधेयक का मुख्य उद्देश्य तो यह है कि खुदा न खास्ता अगर कोई परमाणु दुर्घटना हो जाये तो भोपाल की तरह जो मासूम लोग हैं, जो इससे प्रभावित होंगे, उन्हें दर-दर भटकना न पड़े, उन्हें कभी अमेरिका की अदालत में न जाना पड़े, कभी भारत की अदालतों के दरवाजे न खटखटाने पडे, कोई ऐसी प्रक्रिया हो कि बगैर किसी टोकाटाकी के, बगैर किसी नुक्ताचीनी के उन्हें मुआवजा मिल जाये। यह इसका पहला उद्देश्य है।

महोदय, इस विधेयक का दूसरा उद्देश्य यह है कि जो परमाणु बिजलीघर के प्रचालक हैं, जो ऑपरेटर हैं, उन्हें साफ तौर पर मालूम होना चाहिए कि कितने मुआवजे का बीमा करवाना है। मैं जसवंत सिंह जी की बात से इत्तेफाक रखता हूं कि शायद अगर कोई परमाणु हादसा हो जाये तो कोई ऐसा मुआवजा नहीं है, जो लोगों को दिया जा सकता है।

जिस तरह की अर्थव्यवस्था में हम रहते हैं, जिस तरह की प्रणाली में हम रहते हैं, यह जरूरी हो जाता है कि आप जब कोई उद्योग लगाते हैं तो उद्योग की क्या बीमा राशि होनी चाहिए? क्या इंश्योरेंस बैंचमार्क होना चाहिए? उसे पैसक्राइब करना जरूरी हो जाता है।

महोदय, जसवंत सिंह जी बिलकुल सही कह रहे थे कि इस विधेयक को बनाने की प्रक्रिया आज शुरू नहीं हुई है। यह वर्ष 2000 में एनडीए की सरकार में हुई थी। प्रोफेसर कोर्तीनो, लॉ कॉलेज, बैंगलोर के कानून के विशेषज्ञ हैं, और प्रोफेसर राजगोपाल, ने अंतर्राष्ट्रीय रिजीम का अध्ययन करके यह सुझाव दिया था कि शायद समय आ गया है कि भारत को भी इस तरह का विधेयक पारित करना चाहिए। अब विधेयक की प्रक्रिया क्या होगी? जैसा कि मैंने पहले कहा कि खुदा-न-खास्ता अगर कोई दुर्घटना हो गई तो जो एटॉमिक एनर्जी रैगूलेटरी बोर्ड है, जो कि स्थायी और स्वतंत्र बॉडी है, वह इस बात की घोषणा करेगा कि ऐसी दुर्घटना हुई है। वह तुंत दावा आयुक्त को नियुक्त करेगा। दावा आयुक्त के बारे में साफ तौर पर कहा गया है कि मुआवजा 15 दिन के भीतर तय करना है। मुआवजा कितना होगा? मुआवजा के लिए ऑपरेटर को 15 सौ करोड़ रूपये देने होंगे, जैसा कि माननीय मंत्री जी ने बताया कि पूरे विश्व में आप यदि लायबिलिटी रिजीम देखें, लेकिन उस पर मैं बाद में आऊंगा। यह 15 सौ करोड़ रूपये जो सबसे विकसित देश हैं और उनके जो सबसे बढ़िया लायबिलिटी रिजीम है, उससे तालमेल खाता है। उसके साथ-साथ यदि दुर्घटना बढ़ी हुई तो सरकार का उत्तरदायित्व 22 करोड़ रूपये तक का होगा। उसके बाद आप चाहेंगे, यदि आप किसी अंतर्राष्ट्रीय संधि में हस्ताक्षर करते हैं तो जो अंतराष्ट्रीय संधि से मिलेगा, वह भी आप अपने लोगों को दे पाएंगे। इसके साथ ही मैं एक बात और कहना चाहूंगा कि सरकार ने यह हक अपने पास रखा है कि सरकार या संसद यदि उचित समझती हो तो इस मुआवजे को बढ़ाया जा सकता है। इसके साथ-साथ यदि प्राकृतिक आपदा या आतंकवादी गतिविधि से हादसा हो जाए तो उसका मुआवजा देने की जिम्मेदारी भारत सरकार ने अपने ऊपर ली है। इसके साथ-साथ इस बिल में साफ तौर पर कहा गया है कि यदि हादसा बड़ा हो जाए, सरकार को यह लगे कि क्लैम कमिश्नर के संरक्षण से बाहर जाता है तो एक न्यूक्लियर क्लैम कमीशन का गठन सरकार कर सकती है।

महोदय, अब मैं क्लॉज 17 पर आना चाहता हूं, जिसके बारे में मीडिया में भी और इस सदन में भी और सदन के बाहर काफी विस्तृत चर्चा हो चुकी है। मैं आपको बताना चाहता हूं कि पहला एटॉमिक रिएक्टर वर्ष 1957 में पिट्सबर्ग में लगा था। उसकी आउटपुट 60 मेगावाट की थी। पिछले 43 वर्षों में दो दुर्घटनाएं परमाणु क्षेत्र में हुई हैं, जिसका जिक्र माननीय मंत्री जी एवं जसवंत सिंह जी ने भी किया, वह थ्री माइल आईलैण्ड पर दुर्घटना हुई थी। जैसा कि बताया गया कि दुर्घटना हुई, लेकिन उसमें किसी प्रकार की जान-माल की हानि नहीं हुई। उस प्लांट को चलाने वाली कम्पनी अमरीकी था और रिएक्टर को भी अमरीकी कम्पनी ने बनाया था।

फिर भी कुछ कारण ऐसे बने कि दुर्घटना हो गई, पर यह खुदा का लाख-लाख शुक्र है कि उसमें कोई जान या माल का नुकसान नहीं हुआ। इसी तरह जहां तक चेरनोबिल का सवाल है, वहां भी जो परिचालक थे, वे सोवियत सरकार थी, जो रिएक्टर थे, वह सोवियत कम्पनीज ने बनाए थे। उसमें सब सेफगार्ड के बावजूद एक आविष्कार शुरू हुआ था, उसमें ऐसे घटनाक्रम शुरू हुए, जिससे चेरनोबिल में दुर्घटना हो गई। वहां 30 लोग मारे गए और बाद में 2500 लोगों की जान गई।

इस दुनिया में आज 437 परमाणु रिएक्टर है। इनमें से दो में पिछले 43 साल में दुर्घटना हुई है। जैसे मंत्री जी ने कहा कि भारत के जो परमाणु कार्यक्रम हैं, ये हमारे लिए बहुत गर्व की बात है कि परमाणु कार्यक्रमों में किसी भी तरह की कोई दुर्घटना नहीं हुई है। लेकिन इस सेफ्टी रिकार्ड के बावजूद भारत सरकार ने, यूपीए सरकार ने, जो ऐसी पहली सरकार है, जिसने धारा 17 को इस विधेयक में शामिल किया है और जो सप्लायर्स हैं, उन्हें भी जवाबदेह बनाया है। अगर यह पाया गया कि किसी पेटेंट डिफेक्ट या डिजाइन डिफेक्ट के कारण कोई दुर्घटना हुई है तो चाहे सप्लायर भारतीय हो या विदेशी हो, उसे उसका उत्तरदायित्व निभाना पड़ेगा, मुआवजा देना पड़ेगा। शायद हम पहले ऐसे देश हैं, जिसने खास तौर पर इस क्लाज़ को कार्पोरेट किया है।

अब मैं अंतर्राष्ट्रीय संधि पर आता हूं। कई बार कहा गया कि प्राइस एंडरसन एक्ट में जो दायित्व है, वह दस बिलियन डालर्स रखा गया है, जबकि अमेरिका में वह दायित्व यानि लायबिलिटी कम है। सन् 1957 में जब प्राइस एंडरसन एक्ट बना था, उस समय अमेरिकी सरकार ने जो दायित्व था, वह 280 करोड़ रखा था। जैसे-जैसे अमेरिका में परमाणु इंडस्ट्री बढ़ती गई, उसमें विकास होता गया, उन्होंने एक निजी इंश्योरेंस का बिल बनाकर जो संख्या थी बीमा की, उसे धीरे-धीरे दस बिलियल डालर्स कर दिया। कनाडा जो एक विकसित मुल्क है, भारत ने अपना पहला रिएक्टर कनाडा से लिया था, जिसे सायरस कहते हैं, उसमें दायित्व की सीमा 33 करोड़ है, चीन में 202 करोड़ है, फ्रांस में 575 करोड़ है।

जब भी कोई विधेयक बनाया जाता है, तो यह कोशिश की जाती है कि जनता, उपभोक्ता और निवेशक, तीनों के बीच में समन्वय बनाया जाए, क्योंकि अगर आप बीमा की संख्या को ज्यादा बढ़ा देंगे तो उसका सीधा-सीधा असर बिजली की कीमत पर पड़ेगा। जो उपभोक्ता है, उसे महंगी बिजली खरीदनी पड़ेगी।

अंत में मैं एक बात कहना चाहता हूं। श्री जसवंत सिंह जी ने कई बार धारा 17 का जिक्र किया and I would like to do it in English so that I do not make a mistake about it. Presuming for the sake of argument that Clause 17 did not exist in this Bill, anybody who understands an iota of commerce and as to how commercial transactions are done would tell you that no buyer, no operator would ever enter into a contract which does not completely indemnify himself against the supplier. So, even if Clause 17 would not have been a part of this Bill, then also no operator, no buyer would have entered into any agreement which would not have completely indemnified himself because खुदा-न-खास्ता कोई दुर्घटना हो जाती है, तो उसका दिवालिया तो निकलेगा ही, उसके साथ-साथ जो बाकी कम्पनीज हैं, उनका भी दिवालिया निकल जाएगा। जो कमर्शियल कांट्रेक्ट के समझौते हैं, जो इस्टेब्लिशमेंट बिजनेस प्रेक्टिक्स के समझौते हैं, all of them understand very well that indemnification of liability is something which is sacrosanct with the buyer. I would just like to conclude by saying हमारे मुल्क ने तरक्की करनी है, उस तरक्की में जितने भी राजनैतिक दल हैं, सबकी भागीदारी बहुत जरूरी है।

यह ठीक है कि हम राजनैतिक जगह के लिए एक-दूसरे से लड़ते हैं। पर उसके साथ-साथ जब देश का सवाल आता है तो हमें एक मल्टी-पार्टिजनशिप डैमोस्ट्रेट करनी चाहिए और आज मैं सारे सदन से यही अपील करना चाहता हूं कि भारत के विकास के लिए, भारत को ऊर्जा की जरुरत है और इस सरकार ने जो भी कदम उठाया है, भारत की उस नीड को, उस जरुरत को सामने रखते हुए उठाया है। मैं आप सबसे सिर्फ यही अनुमोदन करना चाहूंगा कि आप इस बिल का समर्थन करें।

श्री शैलेन्द्र कुमार (कौशाम्बी): माननीय सभापति महोदय, आपने मुझे परमाणुवीय नुकसान के लिए सिविल दायित्व विधेयक, 2010 पर बोलने का अवसर दिया, इसके लिए मैं आपका आभारी हूं। अभी प्रतिपक्ष की तरफ से माननीय जसवंत जी और पक्ष की तरफ से भाई मनीष जी ने अपनी बात रखी। सभापति महोदय जी, परमाणु बिजली उत्पादन बढ़ाने के नजरिये से अगर देखा जाए तो यह विधेयक आज के समय के लिए बहुत ही अहम है। जहां तक देखा गया है, इस बिल में हमारे वैज्ञानिकों की एक सोच है कि हम वर्ष 2022 तक इस परमाणु बिजली को सात गुना बढ़ाकर 22,000 मेगावाट करेंगे और वर्ष 2032 तक 60,000 मेगावाट करने का एक लक्ष्य रखा गया है। इस बिल में देखा गया है कि परमाणु बिजली उत्पादन करने वाले जो देश हैं उनकी जवाबदेही तय करने के बजाए, उपयोग करने वाले देशों पर दायित्व का जो भार दिया जा रहा है वह मेरे ख्याल से उचित नहीं होगा। जवाबदेही का जहां तक सवाल है तो दोनों देशों के लिए इसे तय करना पड़ेगा। मैं आंकड़ों के विस्तार में नहीं जाऊंगा लेकिन जहां तक देश का विकास करना है तो यह बिल बहुत ही महत्वपूर्ण है और समय की भी पुकार है। इसी वजह से पिछली लोक सभा में समाजवादी पार्टी और हमारे नेता माननीय मुलायम सिंह जी ने एटोमिक करार बिल को सपोर्ट करने का काम किया था, वह इसलिए कि देश के विकास की बात है, देश में बिजली का उत्पादन बढ़े, इसीलिए हमने सपोर्ट किया था। मेरे ख्याल से अभी पिछले हफ्ते इसी सत्र में हमने भोपाल गैस त्रासदी पर भी चर्चा की थी। अगर भोपाल गैस त्रासदी की इतनी बड़ी घटना न घटती, जिसका फैसला 26 साल के बाद आया, तो मेरे ख्याल से परमाणु नुकसान के लिए सिविल दायित्व का जो बिल है, उस पर हम इतने विस्तार से चर्चा न करते। लेकिन हमारी जो संसदीय समिति की सिफारिशें थीं, उसमें कहा गया है कि हमारे जो निजी संचालक हैं, कम से कम एटोमिक प्रतिष्ठानों से उन्हें दूर रखा जाए और पूरी तरह से सरकार की देख-रेख में यह काम होना चाहिए, तभी जाकर हमारे विकास का लक्ष्य पूरा हो पाएगा। इसमें मुआवजे की राशि को लेकर असमंजस की स्थिति थी और तमाम दलों के लोगों ने मुआवजे की राशि को बढ़ाने की मांग की है। इसे 500 करोड़ से बढ़ाकर 1500 करोड़ रुपये करने की बात की है। बहुत से माननीय सदस्यों और दलों ने 10,000 करोड़ की भी मांग की है। भोपाल गैस त्रासदी से बात हमें बहुत सतर्क रहना है, ईश्वर करे कि इस प्रकार की कोई घटना न घटे, लेकिन हमें सतर्क रहना है और हमें कोशिश यही करनी चाहिए कि आम लोगों के हितों की रक्षा हो।

हमारे देश में जो परमाणु रियेक्टर बिजली उत्पादन लग रहा है, कहीं पर इसका फायदा भी है और कहीं पर्यावरण को नुकसान भी है, लेकिन चूंकि विकास की बात है, इसलिए इसे लगाना भी बहुत जरूरी है।

लोगों में चर्चा है कि नवम्बर महीने में अमरीकी राष्ट्रपति का आगमन हो रहा है। मेरे खयाल से इस बिल के माध्यम से उन्हें तोहफा देने की बात चल रही है, लेकिन फिर भी अगर देश हित में हम कोई भी फैसला लेते हैं, तो उसे गलत नजरिए से नहीं देखना चाहिए। इस बिल में कई संशोधन आए हैं। माननीय जसवंत सिंह जी, बासुदेव जी और माननीय पृथ्वी राज चव्हाण जी की तरफ से भी कई संशोधन आए हैं। हमारे सदस्य मित्रों के मन में जो शंका थी, मेरे खयाल से वह दूर हो गई है और इसे मान लेना चाहिए तथा सभी को इसको स्पोर्ट करना चाहिए, क्योंकि देश के हित और देश के विकास की बात है। पहले इसे पिछले सत्र में लेने की चर्चा थी, लेकिन मेरे विचार में वह जल्दबाजी होती। जल्दबाजी में कोई ऐसा फैसला नहीं लेना चाहिए, जिससे देश को नुकसान पहुंचता या देश पर बोझ पड़ता। देर से आए लेकिन इस बिल को दुरुस्त करके लाए हैं और जो भी शंकाएं थीं, उन्हें दूर किया गया है। प्रधान मंत्री जी सदन में बैठे हैं, पृथ्वी राज जी भी बैठे हैं, मैं कहना चाहता हूं कि परमाणु रियेक्टर आपूर्तिकर्ता कम्पनी और उसके भारतीय आपरेटर्स के बीच जो क्षतिपूर्ति दायित्व को लेकर असमंजस की स्थिति बनी है, उसे बिलकुल स्पष्ट कह देना चाहिए। किसी के दिमाग में कोई भी शंका नहीं रहनी चाहिए। जहां तक विदेशी आपूर्तिकर्ता बाजार की शर्त के विपरीत भारत पर अनुचित व्यावहारिक व्यवहार थोप रहे हैं, ऐसा भी नहीं होना चाहिए, जिससे हमारे देश को नुकसान पहुंचे। देखा गया है कि केवल हमारे देश में ही नहीं, अब तक पांच बड़े हादसे हुए हैं। चर्नोबिल, यूक्रेन में, थ्रीमाइल आईसलैंड, अमरीका में, कैगा, कर्नाटक का जो परमाणु संयंत्र है, वहां भी कूलर का पानी पीने से कई लोग बीमार हुए। ये कई घटनाएं घटी हैं, ब्रिटेन में सेलाफील्ड में 1957 को अमरीका में लगूना में जापान में हुआ और कनाडा में भी हुआ और भारत राजस्थान के नरोरा 1953 में परमाणु विद्युत संयंत्रों में भी छोटी-मोटी दुर्घटनाएं हुई हैं। भोपाल गैस त्रासदी के बारे में सदन में हमने चर्चा की है। हमें इसे गंभीरता से लेना चाहिए कि ऐसा कोई हादसा न हो, जिसकी वजह से हमारे देश को परेशानी और दिक्कत का सामना उठाना पड़े।

एक कहावत है कि " बीती ताही बिसार दे, आगे की सुध देख "। हमें आगे की तरफ देखना चाहिए कि हमारा देश कैसे विकास की तरफ अग्रसर हो और पिछली घटनाओं से सबक लेते हुए हमें बहुत सतर्क रहने की जरूरत है। जहां तक मुआवजे की बात है, चूंकि अमरीका से तुलना होती, तो अन्य देशों में बहुत ज्यादा है, भगवान करे कि हमारे देश में कोई घटना न घटे, फिर भी कोई ऐसी बात होती है, तो हतायतों को उचित मुआवजा मिलना चाहिए। भोपाल गैस त्रास्दी को देखते हुए हमें इस बात को गंभीरता से सोचना पड़ेगा।

परमाणु नुकसान दावा आयोग की स्थापना हुई है और कमिश्नर की जगह आपने आयोग की स्थापना की है, यह बहुत अच्छी बात है, क्योंकि एक कमिश्नर होता है, तो उसकी मोनोपोली होती है, लेकिन आयोग में सदस्यों का जैसा आपने प्रावधान इस बिल में किया है कि एक अध्यक्ष और सदस्य होंगे, जो तीस वर्ष का अनुभव रखने वाले लोग होंगे।

16.00 hrs.

वे बहुत एक्सपर्ट लोग होंगे और उसमें भी सर्वोच्च न्यायालय के रिटायर्ड जज की देखरेख में इस आयोग का गठन आपने किया है। मेरा दूसरा सुझाव है कि आयोग परमाणुवीय नुकसान दावा आयोग की जो आपने स्थापना की है, अगर कोई बात हो तो कम से कम उसका फैसला समय से होना चाहिए, यह हमारा प्रयास होना चाहिए। इन्हीं बातों के साथों मैं इस विधेयक का समर्थन करते हुए अपनी बात समाप्त करता हूं। धन्यवाद।

श्री धनंजय सिंह (जौनपुर): सभापति महोदय, आपने इस महत्वपूर्ण विषय पर मुझे अपनी पार्टी के विचार रखने का जो अवसर दिया है, उसके लिए मैं आपको धन्यवाद देता हूं और साथ ही साथ अपने नेता को भी धन्यवाद देता हूं जिन्होंने मुझे इस महत्वपूर्ण विषय पर पार्टी का विचार रखने का अवसर दिया है।

महोदय, देश की ऊर्जा संबंधी जरूरतों को पूरा करने के लिए हर संभव प्रयास किये जाने चाहिए लेकिन देश की जनता का अहित न हो, इतना हमें जरूर ध्यान देने की जरूरत है। यह हमारी प्राथमिकता होनी चाहिए कि हम देश की जनता का अहित न होने दें। वर्तमान समय में जो इस बिल को लेकर ऊहापोह की स्थिति सदन

के अंदर और सदन के बाहर बनी हुई थी, राजनैतिक वर्ग में तरह-तरह की चर्चा इस बिल के आने के समय को लेकर बनी रहीं और अनेक सवाल खड़े किये गये तथा जो संदर्भ है, उसको भी लेकर सवाल खड़े किये गये थे और इस बिल की व्यापकता पर बाहर भी हम लोग देख रहे थे, अखबारों में पढ़ने को मिल रहा था कि इस बिल की व्यापकता पर भी चर्चा हुई और इसकी भाषा को भी लेकर चर्चा हुई। इस बिल पर पूरा पक्ष और विपक्ष लड़ता रह गया और सबसे बड़ा सवाल जो मैं भी समझता हूं कि इस बिल के औचित्य का सवाल है। यह बिल लाने का औचित्य क्या है? जब पहले ही इस से संबंधित हमारे यहां एक्ट एग्जिस्ट कर रहा है और हमारे बहुत योग्य साथी मनीश जी भी कह रहे थे कि पब्लिक लॉयबिल्टीज इंश्योरेंस बिल और एटॉमिक एनर्जी एक्ट 1962 एग्जिस्ट कर रहे हैं तो हमें इस नये बिल को लाने की आवश्यकता नहीं थी। क्या इस न्यूक्लिअर सिविल लॉयबिलिटी बिल के प्रावधानों को इन बिलों के अंदर सम्मिलित नहीं किया जा सकता था? कहीं न कहीं हमारी यह प्रवृत्ति बढ़ रही है कि हम आये दिन एक नये बिल को यहां लाकर हाउस में इंट्रोड्यूस कर रहे हैं। इसलिए इस प्रवृत्ति से हमें बचने की जरूरत है। मेरा यह भी कहना है कि इससे सदन की जो कानून बनाने की विशिष्ट क्षमता है, उसको भी हम कहीं न कहीं प्रभावित करने का काम कर रहे हैं।

मेरा एक बहुत महत्वपूर्ण सुझाव है। यह बात मैं इसलिए कह रहा हूं कि इस सदन से इस देश में मजदूरों को लेकर कम से कम 262 नियम कानून बने हैं और उसमें अधिकांशत: 90 प्रतिशत कानून आज की तारीख में काम नहीं कर रहे हैं। चूंकि एक बात आई थी और औचित्य का सवाल था। इसलिए मेरा कहना आवश्यक था। मेरी एक राय है और मैं कहना चाहता हूं कि जब 1962 एटॉमिक एनर्जी एक्ट एग्जिस्ट कर रहा था तो इस बिल के लाने का क्या औचित्य था? जिस तरह से आनन-फानन में यह बिल लाया गया है, ऐसा लग रहा है कि कहीं न कहीं हमारा राष्ट्रीय नेतृत्व किसी दुविधा में है। दुविधा में कह लीजिए या दबाव में कह लीजिए। जिस तरीके से अन्तर्राष्ट्रीय और राष्ट्रीय घटनाक्रम बना है और इस बिल को लेकर उस पर प्रतिक्रियाएं आई हैं, उससे लगता है कि हमारा नेतृत्व कहीं न कहीं दबाव में काम कर रहा है। जब दवाब में हम काम करते हैं तो निश्चित रूप से हम सही निर्णय नहीं ले पाते हैं।

जब हम सही निर्णय नहीं ले पाएंगे तो सदन और जनता का भाव भी सही तरीके से रख नहीं पाएंगे। यह बिल हड़बड़ी में लाया गया है। भारतीय जनता पार्टी के नेता श्री जसवंत सिंह जी ने कहा कि हमें सीएससी (Convention on Supplementary Compensation for Nuclear Damage) की सदस्यता प्राप्त करने के लिए आनन-फानन में बिल लाया गया है। ऐसा लग रहा है कि एक संस्था, जो पूरी तरह से देश विशेष के प्रभुत्व में काम करती है, इसकी सदस्यता को प्राप्त करने के लिए इसके दबाव में निर्णय ले रहे हैं और इस बिल को लेकर आए हैं। मैं अपने दल के कुछ महत्वपूर्ण सुझावों को आपके सामने रखना चाहता हूं। यह संयोग है कि भोपाल की बात आई। भोपाल गैस त्रासदी के बाद यह बिल लेकर आए हैं तो इतिहास से कुछ सबक सीखने की जरूरत है। इस बिल के प्रारूप से ऐसा लगता है कि भोपाल त्रासदी से कोई सीख नहीं ली है।

16.07 hrs.

(Shrimati Sumitra Mahajan in the Chair)

भोपाल गैस त्रासदी की घटना का छोटा सा कारण था लेकिन बहुत क्षति हुई, हजारों जानें चली गई और लाखों लोग प्रभावित हो गए। ईश्वर न करे कि इस तरह की कोई घटना इस देश में घटे। हमारे देश में 40 वर्षों से न्यूक्लियर पावर प्लांट चल रहे हैं और पीएसयू इसे चला रहे हैं और अभी तक कोई दुर्घटना नहीं हुई है। ईश्वर न करे कि कोई घटना घटे लेकिन इस तरह की घटना की कल्पना की जानी चाहिए। आज जरूरत इस बात की है कि हम आईएसी (इन्फार्मेशन एजुकेशन ऑफ कम्युनिकेशन) सिस्टम डेवलप करें। मैं भोपाल दुर्घटना के बारे में कहना चाहता हूं कि जब प्लांट्स लगाए जा रहे थे अगर पहले से अवेयरनेस पैदा की होती तो इतनी बड़ी ट्रेजडी नहीं हुई होती। इसलिए आज जरूरत है कि जहां भी प्लांट लगाए जाएं वहां अवेयरनेस प्रोग्राम चलाए जाएं और लोगों को शिक्षित किया जाए। न्यूक्लियर प्लांट्स के लगने से भय का वातावरण क्रिएट होता है, जनता यह सोचकर भयभीत हो जाती है कि सिर्फ एक्सीडेंट्स ही होंगे इसलिए लोगों को एजुकेट करना चाहिए। उन्हें समझाना चाहिए कि इस तरह की कोई बात नहीं होने वाली है। हमारे देश का लंबा इतिहास है। युक्रेन की घटना का जिक्र किया गया है। अमेरिका के एक्सीडेंट्स का जिक्र किया गया। हम सौभाग्यशाली हैं कि हमारे देश में इस तरह की घटना नहीं हुई है और ईश्वर न करे कि इस तरह की कोई घटना घटे।

महोदया, हमारी पार्टी की ओर से कुछ सुझाव और शंकाएं हैं, हम चाहते हैं कि माननीय मंत्री जी जब जवाब दें तो शंकाओं का समाधान करें और सुझावों को सम्मिलित करें। Atomic Energy Act, 1962; Science and Technology Committee Report; Standing Committee on Environment and Forest Committee recommendation relating to Section 1 (3)(a) के प्रावधानों को शामिल किया जाए, यह देश हित में उचित होगा। इसके साथ किसी विदेशी कंपनी को ऑपरेटर के रूप में शामिल न किया जाए। यह बात सदन में आई थी कि विदेशी आपरेटर्स को शामिल नहीं करेंगे लेकिन ऐसा न हो कि देश की कंपनी कोलोबोरेशन न कर पाए। मंत्री जी इसके बारे में भी जवाब दें। इसके साथ मैं कहना चाहता हूं कि मुआवजा राशि की कोई लिमिट नहीं होनी चाहिए। There should not be any lower or upper limit. जब कोई घटना हो, दुर्घटना का एस्टीमेट करें कि कितना नुकसान हुआ है और नुकसान आधारित मुआवजा देने की बात हो। Liability should be fixed on supplier also in the form of security money in advance, especially on private companies who are supplying from abroad. इस देश में बाहरी कंपनियां सप्लाई करें तो सिक्योरिटी के रूप में डिपोजिट किया जाए। जब हम दुनिया के सबसे बड़े बायर हैं तो हम अपनी शर्तों पर सौदा करें। हम दूसरों की शर्तों पर क्यों सौदा करें? अगर इन प्रावधानों को सम्मिलित किया जाएगा तो बहुत अच्छा होगा।

महोदया, मैं एक बात और कहूंगा कि न्यूक्लियर प्लांट्स में वर्तमान में 80 परसेंट इक्विपमेंट्स की सप्लाई है, भेल और एलएनटी सप्लाई कर रही है। भेल पीएसयू सैक्टर की यूनिट है, हम उसे जितना स्ट्रैथन करेंगे, अपने देश में मैक्सिमम सप्लाई मीट आउट करेंगे। इस तरह से बाहर के देशों से खरीदने का सवाल ही नहीं उठेगा और न ही यहां इतने सवाल खड़े होंगे। निश्चित तौर पर भोपाल से सबक लेते हुए हमें त्वरित मुआवजा निस्तारण नीति बनाने की जरूरत है। यह बात पहले आ गई है, मैं इसका समर्थन करता हूं।

टाइम पीरियड क्लेम सैटलमैन्ट के लिए बीस वर्ष की बात आई। मेरी पार्टी का मानना है कि यह जेनेटिक है तथा कम से कम दो जनरेशन तक प्रभावित करती है। इसलिए इसका समय मिनिमम 30 वर्ष होना चाहिए। यह माननीय मंत्री जी को मेरा बहुत महत्वपूर्ण सुझाव है।

एक बात यहां और आई है कि संसदीय समिति ने होम मिनिस्ट्री की शंकाओं का समाधान नहीं किया है। मैं चाहूंगा कि जब आप एक्ट का फाइनल फॉर्मेट बनायें तो

इस बात को ध्यान में रखते हुए जरूर उसकी शंकाओं का समाधान करें। हम इस देश में नक्सली और आतंकवादी घटनाओं को नकार नहीं सकते। हमारे यहां नक्सली रेलवे ट्रैक उड़ा देते हैं। इंडियन साइंस सैन्टर पर टैररिस्ट्स ने अटैक कर दिया। इन घटनाओं को इससे नहीं जोड़ सकते, लेकिन हमारे यहां व्यापक सुरक्षा के क्या इंतजाम हैं, यह बात आनी चाहिए। उसके बाद हम ऑपरेटर को एक नई जिम्मेदारी दे रहे हैं, कोई बात नहीं, लेकिन इसके लिए सरकार रिस्पांसिबल है। मैं समझता हूं कि अपने वक्तव्य में सरकार इस बात को स्पष्ट करने का प्रयास करे।

इसके अलावा बिल पर मेरे कुछ और सुझाव हैं। बिल में एक क्लाज 10 है, जिसमें A person shall not be qualified for appointment as Claims Commissioner unless he is a District Magistrate or a Central Government official. मेरा यह मानना है कि यह जो क्लाज है, इस पर गवर्नमैन्ट ऑफिशियल की जगह हाई कोर्ट के एक जज की नियुक्ति हो तो अच्छा रहेगा। क्लाज 20 में जो बात कही गई है -The Commission shall consist of a Chairperson and such other members not exceeding six as the Central Government may by notification appoint. मेरा यह मानना है कि जब एक्सीडैंट के बाद यह होना है तो माननीय मंत्री जी एक ज्वाइंट पार्लियामैन्ट्री कमेटी बनाई जाए। संयोग से यहां प्रधान मंत्री जी भी मौजूद हैं। उसके बाद वह कमेटी एक कमीशन अपाइंट करे, जिसमें चार लोग हों, इनमें कम से कम तीन न्यूक्लियर स्पेशलिस्ट्स हों और एक सुप्रीम कोर्ट के जज हों। मेरा निवेदन है कि माननीय मंत्री जी इस क्लाज पर जरूर ध्यान देने का प्रयास करेंगे।

यहां चेर्नोबिल की बात भी आई। चेर्नोबिल की घटना के बाद हम लोगों ने देखा कि उसका बहुत व्यापक स्तर पर कृषि पर भी प्रभाव पड़ा और इसका केवल यूक्रेन में ही नहीं, बल्कि पूरे यूरोप में प्रभाव पड़ा था। उसके बाद वहां पर बहुत बड़ी तादाद में पशुओं की मृत्यु हुई और जो पशु पैदा हो रहे थे, वे भी हैंडीकैप्ड पैदा हो रहे थे। ऐसा ही हमारे यहां पशुओं के लिए, एनवॉयरनमैन्ट के लिए तथा इन सब चीजों के लिए एक क्राइसेस मैनेजमैन्ट ग्रुप बनाने की जरूरत है। साथ ही साथ हमें हास्पीटल के बारे में भी सोचना चाहिए। आज हमारे पास इस लैवल के बड़े हास्पीटल्स नहीं हैं। महोदया, आप वहीं की रहने वाली हैं। यदि भोपाल में कोई बड़ा हास्पीटल होता तो इतने सारे लोगों की मृत्यु नहीं होती। हम जहां भी पावर प्लान्ट्स बनाते हैं, वहां वैल इक्युप्ड बड़े हास्पीटल्स बनने चाहिए। इसके अलावा ये प्लान्ट्स आबादी से दूर रहें। इसमें एक महत्वपूर्ण चीज क्रिमिनल प्रोसीजर नैग्लिजैन्स भी जोड़ने की जरूरत है।

एक बात यहां नहीं आई, जब जसवंत सिंह जी बोल रहे थे तो मुझे लगा कि यह उनकी तरफ से आयेगी। यहां जो भी ऑपरेटर्स, सप्लायर्स या बड़े ऑफिशियल्स हैं, जो रिस्पांसिबल हैं और बड़े प्लान्ट्स को डील कर रहे हैं, उन्हें जब भी इस देश से बाहर जाना या आना हो तो वे होम मिनिस्ट्री को इंफॉर्म करके जाएं। यदि यह बात हुई होती तो एंडरसन को लेकर इस सदन में इतनी बात नही होती। जो आज इस दुनिया में नहीं हैं, उनके ऊपर आरोप लग रहे थे और जो लोग हैं, उन पर भी आरोप लग रहे थे। इसलिए ऐसे आरोपों से हमें बचने की आवश्यकता है। हमारे यहां ऐसी व्यवस्था है, क्योंकि यह केवल पावर प्रोडक्शन का मामला नहीं है। जब न्यूक्लियर प्लान्ट लगेगा तो स्वाभाविक है, इंटेलिजेन्स की रिपोर्ट है कि बार्क, भाभा एटोमिक रिसर्च सैन्टर टैररिस्ट्स के सबसे हॉट टारगेट में है। इसलिए जब इस तरह की कोई सूचना लीक हो या कोई आता-जाता हो तो उसकी होम मिनिस्ट्री इंक्वायरी करे तो ठीक रहेगा।

सभापति महोदया, मैं कुछ महत्वपूर्ण सुझाव और देना चाहता हूं। वैसे भी इस बिल को लेकर पहले जितना हल्ला हुआ था, लग रहा था कि सदन के अंदर बहुत गहमागहमी होगी। लेकिन जितने चुपचाप तरीके से और आसानी से यह बिल सदन में डिस्कस हो रहा है, इसलिए कुछ कहा नहीं जा सकता ...(व्यवधान) इस बिल को लेकर मीडिया में और बाहर जितना शोर मचाया गया है, वे सब चीजें समाप्त हो गई हैं।

सभापति महोदय, मैं समाप्त कर रहा हूं। श्री जसवंत सिंह जी जो वरिष्ठ नेता हैं, और पूर्व विदेश मंत्री रहे हैं, ने इस बात पर प्रकाश डाला कि हम कहीं न कहीं अमरीका के दबाव में काम कर रहे हैं। हमें इस बात पर ध्यान देना होगा कि दुनिया में जितने देश न्युक्लीयर सप्लायर का काम कर रहे हैं, वे अमरीका के दबाव में काम कर रहे हैं। हम इस बात से इनकार नहीं कर सकते हैं। हमारा अमरीका के साथ कैसा रिश्ता रहेगा जब पड़ोसी देशों से हमें खतरा बना रहता है। जब भी हमने यह बात उनके ध्यान में लायी है, अमरीका ने उस राष्ट्र को तरजीह दी है। आज इस बात की क्या गारंटी है कि अमरीका हमें न्युक्लीयर सप्लाई करता रहता है, भविष्य में रिश्ता खराब होने पर हमारे पास क्या विकल्प होगा? मेरा माननीय मंत्री जी से यही कहना है कि जब वे इन बातों का जवाब देंगे तो स्पष्ट करेंगे।

सभापति महोदया, हमारे दल को जिस बात की आशंका है या जो हमारे सुझाव हैं, अगर सरकार उनको सम्मिलित करती है तो निश्चित तौर पर विधेयक पर हम अपना समर्थन या विरोध उस समय दर्ज करेंगे।

श्री शरद यादव (मधेपुरा): सभापति महोदया, परमाणुवीय नुकसान के लिये सिविल दायित्व विधेयक, 2010 पर हमारी स्टैंडिंग कमेटी ने जितनी बैठकें ली हैं, मैं मानता हूं कि किसी स्टैंडिंग कमेटी की बैठकें लगातार अनवरत नहीं हुई हैं। स्टैंडिंग कमेटी में बहुत समय तक डैलीब्रेशन्स हुई हैं, कैबिनट का नोट भी आया है। उसमें जो विवाद था - 'and' और 'intention' पर बातचीत करके उसका रास्ता निकाला है। इस विषय पर श्री जसवंत सिंह जी और हमारे अन्य साथियों ने विस्तार से अपनी बात रखी है, उन बातों को मैं नहीं दोहराऊंगा। मैं इस मौके पर यह जरूर कहना चाहूंगा कि सरकार ने इस विधेयक को लाने के लिये जल्दबाजी की है, सारी दौड़-धूप की है, उससे एक बात जाहिर हुई है कि हो सकता है कि दुनिया में हम दबाव में न हों लेकिन देशभर में यह महसूस हो रहा है कि इस बिल को लाने में जल्दीबाजी की है तो हम दबाव में हैं।

सभापति महोदया, यहां कल कूटनीतिज्ञ लोगों की बहस हो रही थी जिसमें एक पूर्व अम्बैसेडर ने यह बात खुलकर सामने रखी कि अमरीका तो सुपर पॉवर है, हम विकसित देश हैं। इसलिये सीधी बात यह है कि जो सुपर पॉवर वाले देश हैं, उन्हें लाभ मिलेगा। आज पूरी दुनिया में न्युक्लीयर इंडस्ट्री बैठी हुई है। रूस के चरनोबिल में जो हादसा हुआ, उसकी सचाई आज तक दुनिया या उस देश के सामने नहीं आ सकी है कि उस हादसे में कितने लोग मारे गये थे और कितने लोग उसकी यातना को आज भी भोग रहे हैं? हमारे देश में भोपाल में जो हादसा हुआ, वह दूसरी तरह का हादसा था।

यह विकीरण का हादसा है। इस हादसे से आदमी के ऊपर क्या-क्या असर होगा, यदि इसका सबसे ज्यादा लेखा-जोखा है तो वह जापान के पास है या फिर चरनोबिल के कांड के चलते वह रूस के पास है। मैं मानता हूं कि यह न्यूक्लियर एनर्जी बहुत महंगी पड़ेगी। मैं मानता हूं कि यह इस देश के कुछ मुट्ठी भर लोगों के काम आयेगी, बाकी आम जनता के यह काम आयेगी, यह मेरी शंका ही नहीं है, ऐसा मुझे यकीन और विश्वास है। हमारे पास चार रास्ते हैं, मनीष तिवारी जी ने यहां कहा कि खर्च ज्यादा आता है, क्या इस पर खर्च कम आयेगा? चाहे वह हवा है, सूरज है, पानी है और कोयला है। मैं मानता हूं कि कोयला बहुत लंबे समय तक चलने वाला सोर्स नहीं है, एनर्जी नहीं है। लोग इसे लगभग 200 साल तक के लिए बताते हैं। आप जो बिल लाये हैं, उस पर चर्चा करके आपने सब लोगों के बीच से एक रास्ता बनाया है। मैं उस रास्ते के बीच में बाधा नहीं बनना चाहता हूं, क्योंकि इस समय मैं जो बात कहूंगा, उसका कोई अर्थ नहीं बचा है। जिस तरह से हमारे देश में जुनून

चढ़ा है, इसमें उस बात को कोई नहीं सुनेगा। अगर हमारा देश दूसरे रास्ते से चलता तो हमारी बेहतरी हो सकती थी। जसवंत सिंह जी ने बहुत से सवालों के बारे में कहा है। जैसे कश्मीर है, नक्सलवाद है, नक्सलवाद बहुत बड़े इलाके में फैला हुआ है। यह ज्यादा गंभीर मामला है और हमें तत्काल इस पर सोचना चाहिए। मैं मानता हूं कि जिस दिन से आजादी मिली है, उस दिन से सबसे बड़ा तत्काल, सबसे बड़ा संकट, सबसे बड़ा सवाल है, जिसके ऊपर हमें तत्काल कदम उठाना चाहिए, जिसके लिए हमें रास्ता खोजना चाहिए, वे इस देश के 80-90 फीसदी लोग हैं। जिनकी हालत बहुत खराब है, कुछ लोग भूखे हैं, कुछ लोग इतने बेबस और लाचार हैं कि उन्हें बयान नहीं किया जा सकता है।

मैं आपसे निवेदन करूं कि आजादी के बाद स्वर्गीय जवाहर लाल नेहरू जी थे, उनके पास आजादी का इकबाल था। गांधी जी जैसे नेता हमारे पास थे और दुनिया में हमारा इकबाल था, हमारा एक रूतबा था। किसी एक सरकार की बात नहीं, मैंने कई सरकारें देखी हैं, लेकिन उनकी हालत दुनिया के सामने अच्छी नहीं है। कोई मुल्क अपने देश के भीतर बिना ताकतवर हुए बराबरी का समझौता नहीं कर सकता है। इस बिल पर सबसे ज्यादा दिक्कत क्यों हुई? अमेरिका में यह धंधा ठप पड़ा है, जो न्यूक्लियर व्यापार है, वह बिल्कुल ठंडा है। चरनोबिल के बाद यह बहुत नीचे आ गया है। अब वे उसके लिए बाजार खोज रहे हैं और निश्चित तौर पर यूरोप और अमेरिका बाजार के मुल्क हैं। इन्होंने बाजार के जरिये, विज्ञान और आविष्कार के जरिये दुनिया की इंसानियत को लूटने का काम किया है। उनकी जरूरत है, उनकी इंडस्ट्री ठप पड़ी है, जैसे जब ग्लोबल संकट आया तो हमारे यहां पैकेज दिया गया, हमारी इकोनॉमी को भी धक्का लगा था, उस पर हमने पैकेज दिया, उसी तरह से अमेरिका में इस इंडस्ट्री को पैकेज दिया गया। मुझे लगता है कि वहां का जो सप्लायर है, उसका भी कहीं न कहीं दवाब महसूस हो रहा है। सरकार को हो रहा है या नहीं हो रहा है, मैं यह नहीं कह रहा हूं, लेकिन देश को महसूस होता है, हमें महसूस होता है कि कहीं वह दबाव लगा रहे हैं। वह कह रहे हैं कि यह करो, वह करो, एण्ड हटाओ, इण्टैंड डालो, मंशा डालो, सीधी जिम्मेदारी मत लाओ। वह घुमा रहे हैं, वह चाह रहे हैं कि ऐसा रास्ता निकल जाए। लेकिन नियत को कहां सिद्ध कर सकते हैं और सात समंदर पार तो कहां सिद्ध हो सकती है। हमने भोपाल के मामले में यह देख लिया है। हम कहां खड़े हैं? मुझे भोपाल केस में एंडरसन के वापस चले जाने का दुख नहीं है, लेकिन मुझे कभी-कभी खुद ही महसूस होता है कि मैं जहां जनमा हूं, वह जिस शान से चले गए, भोपाल से मेरा गांव मुश्किल से 30 किलोमीटर दूर है। मुझे उसके चले जाने और जब वह जहाज पर गया, उस समय मैं भोपाल में ही था। देश के नागरिक होने के नाते यह महसूस होता है कि हम छोटे हैं, कमतर हैं। एक आदमी इतना बड़ा हादसा करके भाग गया। उसके लिए अमरीका से फोन आए। किसके पास फोन आए? इसकी बहस करने से कोई फायदा नहीं है, दूसरा कोई प्रधानमंत्री होता तो वह भी यही काम करता। मैं आपको बता रहा हूं कि अमरीका के सामने कोई दूसरा प्रधानमंत्री नहीं टिकता। जवाहर लाल जी को मैं नहीं जानता, इंदिरा जी को मैंने देखा है, उनमें दम था, लेकिन उस समय रूस था, लेकिन अब सोवियत रूस टूट गया है, विखंडित हो गया है। जब एंडरसन चला गया तो आज भी यदि उसकी चर्चा होती है, तो मैं उसमें हिस्सा नहीं लेता हूं। मुझे मालूम है कि इसमें माथा मारने से कुछ होने वाला नहीं है। बहुत से साथियों ने बात करके इसमें साझा बना लिया है। मैं यह मानता हूं कि न्यूक्लियर एनर्जी एक सपना है, यह पूरा नहीं होगा। कैपेसिटी कितनी है, चालीस हजार मेगावाट, लेकिन कितनी पैदा कर रहे हैं, दस हजार मेगावाट। मनीष जी कह रहे थे कि इसमें सूरज और हवा वाली से ज्यादा दाम लगेंगे। ज्यादा लगे या कम लगे, लेकिन उसमें कोई खतरा नहीं है। वह हमारे देश में प्रचुर मात्रा में है। नियामत ने हम पर ऐसा आशीर्वाद किया है कि पूरे देश में हम, मान लीजिए जैसे गोबर गैस है, 20-30 साल से मैं देख रहा हूं, कई घरों में मैं जा रहा हूं, गोबर गैस से लाइट जलती है। बिजली की जो जरूरत है, वह ऐसी न हो जाए, दुनिया से बराबरी का मतलब है कि जरूर करो, लेकिन संस्कृति और तहजीब से बराबरी करो। आज दुनिया से आइसोलेटेड नहीं रह सकते हैं। पहले इस मुल्क के भीतर ही बाजार था। बाजार आए, संस्कृति आए, तहजीब आए, सब मिले जुलें, वह जरूरी है। मैं एक उदाहरण दूंगा कि इस ग्लोबलाइजेशन से इस बाजार के चलते हमारी तरफ का हमारे देश में मितव्ययिता कहते हैं, आपने बीच में इसे पकड़ा था, मुझे खुशी है, क्योंकि हिंदुस्तान की आजादी इससे आई है। गांधी जी का पूरा आंदोलन मितव्ययिता पर है। उसे हमने थोड़ी देर के लिए अपनाया था। वह दुनिया को देने की चीज थी। हम याद करेंगे, जितने लोग सदन में हैं कि वे कितने कपड़े पहनते थे। उनकी कितनी आवश्यकताएं थीं। बाजार के चलते मुट्ठीभर लोगों ने आवश्यकताओं को इतना फैलाया है, उनका रूतबा बना दिया है। अच्छा जी लेने वाले, देश के सही लोग हैं, ये वे लोग हैं जो कम खर्च करते हैं, कम पहनते हैं। ये लोग कमी आ जाए तो उसके शिकार नहीं होते। सीधी बात है कि दुनिया भर से मेल होना चाहिए। सभापति महोदया, आप इन्दौर की रहने वाली हैं। आप जानती हैं कि वह कितना संगीत और नृत्य का इलाका है। उसका कोई भी दुनिया में मुकाबला नहीं कर सकता। जो हमारे देश का नृत्य है, वह सात सुरों के साथ मिलकर चलता है। शरीर हिलता है, सुरों से, आंखें हिलती हैं, वे भी सुरों से, पैर हिलते हैं, वे भी सुरों से, घुंघरू हिलते हैं, वे भी सुरों से यानि सात सुरों से नृत्य होता है। लेकिन हम अपने नृत्य को दुनिया में नहीं फैला सके। विज्ञान में हिन्दुस्तान की सबसे बड़ी खोज स्वरों की है और हम अपने स्वरों की बात नहीं फैला सके। बाहर वालों के नृत्य को आप देख लीजिए। जितने भी ये नए चैनल्स आ रहे हैं, इन्हें देख लीजिए। इनमें दिन भर लोगों को शरीर सहलाता हुआ दिखाया जाता है। ये चीजें पहले सर्कस में होती थीं और अब यह डांस बन गया है यानि डांस में सर्कस दिखा रहे हैं। उनकी सभ्यता बहुत नई है, हमारी बहुत पुरानी है। हमारी सभ्यता का और नृत्य का कोई मेल नहीं है। यह उद्योग, विकास की जो धारणाएं हैं, बाहर से ली गई हैं।

सभापति महोदया, अगर मैं कहूंगा तो माना नहीं जाएगा, क्योंकि मेरे पास अगर ताकत होती तो मैं दिखाता और पहले दिन से ही पलट जाता। लेकिन लोगों ने आपस में रास्ता निकाला है, मैं उसमें बाधा नहीं बनना चाहता। बाधा बनता अगर मेरे पास कूवत होती, जो कि नहीं है। मैं जो कुछ कह रहा हूं, वह सच कह रहा हूं और सच कहने का, उसे स्वीकार करने का साहस होना चाहिए। मंत्री जी चले गए, होते तो मैं कहता कि इस तरह का हौंसला आप भी दिखाएं। आप कहें कि यूरोप और अमेरिका ही एक रास्ता है और इसी रास्ते से आगे जा सकते हैं। हमें सच्चाई को स्वीकार करना चाहिए। सच्चाई इन्सान को ऊंचा उठाती है, चाहे कोई कितना भी बुरा या भला हो।

इस बिल पर और मुद्दे पर काफी चर्चा हुई है। मुझे भी वक्त-फवक्तन इसमें हिस्सा लेने का मौका मिला है, इसीलिए मैं यह चाहता हूं कि यह बिल जो सद्भावना से पास होने जा रहा है, मैं इसमें ज्यादा कुछ न कहूं। जसवंत सिंह जी ने इस बिल में कुछ संशोधन पेश किए हैं...(व्यवधान) मैं यह कहना चाहता हूं कि इसमें डील नहीं हुई है, बस मैं लाचार हूं। आप इस तरह की बात न करें और इस पर अंगुली न उठाएं, क्योंकि अंगुली उठाने का कोई मतलब नहीं है। हम जहां खड़े हैं, हम चाहते हैं कि यह देश खुद अपनी वजह से खड़ा हो।

मैं अंत में इतना ही कहना चाहूंगा कि हिन्दुस्तान के जो अर्थशास्त्री हैं, वे भी जानते हैं कि कल पता नहीं दुनिया बचेगी या नहीं बचेगी, लेकिन हमारे देश का जो रास्ता है, वह रहेगा। हमारे देश का रास्ता प्रकृति के साथ जाने वाला रास्ता है। आपने जो यह समझौता किया है, जो सहमति यहां जाहिर की गई है, ठीक है लैफ्ट वाले बाल की खाल निकालेंगे, लेकिन मैं भी चाहता हूं कि यह बिल सद्भावना से पास हो।

इस बिल में मुआवजे की राशि जो पहले 500 करोड़ रुपए थी, उसे बढ़ाकर अब 1500 करोड़ रुपए कर दिया गया है। आपने नागासाकी का हाल देखा है ही। अगर ऐसा कुछ हो गया तो किसे बांटने जाओगे यह राशि, क्योंकि वहां तो पत्ता तक सूख जाएगा, कोई जीव-जंतु नहीं बचेगा। इसलिए आपको यह कहना चाहिए कि पर्यावरण की दृष्टि से जैसी जगह पहले थी, वैसे ही करनी पड़ेगी, चाहे कितना भी पैसा लग जाए, क्योंकि वहां तो सब साफ हो जाएगा, कोई चीज बचेगी ही नहीं। इसलिए मैं इस 1500 करोड़ रुपए को भी कम राशि मानता हूं, क्योंकि उस इलाके को संवारने पर बहुत भारी खर्च होगा, जहां कहीं यह दुर्घटना हो जाएगी। अगर

यकीन न हो तो हिरोशिमा और नागासाकी जाकर देख लो।

मैं अपनी बात को यहीं समाप्त करता हूं और आप सबका बहुत आभार व्यक्त करता हूं। यह जो बिल है, यह सद्भावना से पास हो रहा है, इसके लिए सत्ता पक्ष के लोगों ने विपक्ष से सम्पर्क करके, बातचीत करके, उनके संशोधनों को मानकर जो काम किय है, वह अच्छा काम किया है।

SHRI SUDIP BANDYOPADHYAY (KOLKATA UTTAR): Madam, I rise to support the Civil Liability for Nuclear Damage Bill, 2010.

In the Objects and Reasons of the Bill the purpose of the Bill for which it has been introduced has been very clearly mentioned. Many political parties, including those which think that India must not possess nuclear power for energy and it has to remain only within the possession of China, they should try and follow the purpose as has been mentioned in the Objects and Reasons of this Bill. I would just like to quote a few lines from that:

> "â€¦in the unlikely event of a nuclear incident or accident, there may be damage to individuals, property and environment on a large scale. The geographical scope of damage caused by a nuclear accident may not be confined to national boundaries and it may have trans-boundary effects. In such an event, it is desirable that protection is accorded to victims of such incident or accident by a third party liability regime. It is necessary to give compensation to persons if they suffer nuclear damage as a result of a nuclear incident and therefore it is important to make provision to ensure clarity of liability and the requirement to pay compensation."

This is the need of the hour. Energy is produced either from coal or from hydel sources. But coal reserves in the country gradually are getting exhausted and a time will come when we would have no coal left for captive power plants to be supported by coal. Fossil fuels are getting exhausted. So, it is our feeling that nuclear power is certainly a power of the future. Without nuclear power economic development of a big country like India is never possible. This experiment has become successful. Take the example of France. Eighty per cent of the total electricity in France is being produced by nuclear power projects. This Bill covers the nuclear power plants, the research reactors as also the other nuclear establishments. More or less, all political parties have extended their support to this Bill with some amendments which the Government may think of considering.

Madam, we would certainly support the Bill but not by keeping our eyes closed. We would certainly keep our eyes open to the issues like the suppliers. We would certainly take initiatives to see that disasters, as it happened in Bhopal are not repeated again. We must see to it that the qualities of the projects that are being sent by the foreign countries to our country, the suppliers, are checked properly with due importance and priority. It has also to be seen that a vast country like India should not be allowed to be used by others for selling their projects irrespective of their qualities.

It has to be seen that a vast country like India should not be allowed to be used by others to sell their products in a country like India.

Madam, Indo-US Nuclear Agreement is already signed and we feel that we should take all out efforts to take proper steps as regards the Claims Commissioner. In the Bill, clause 10 mentions about Claims Commissioner. It says: "A person shall not be qualified for appointment as a Claims Commissioner unless he is or has been or qualified to be a District Judge." According to me, a person with the standard of a District Judge would not be capable enough for it. In the case of the qualification of appointment, it is a District Judge and so far as the Commission is concerned, he is being projected as a Supreme Court or High Court Judge. I would request the hon. Minister to clarify whether the District Judge is capable enough to qualify himself for appointment as Claims Commissioner. This issue may be cross-checked and clarified in the House.

Madam, we have just heard Shri Jaswant Singh. He expressed his view that India should not bow its head to any foreign power. We firmly believe that India is certain to keep its head high. It will never bow down to any force and to any political power or to any country of the world. We will certainly remain committed and see that we keep our head and flag high. We should never surrender to any other country of the world whichever powerful it may be.

India is a country which has earned its Independence after a long battle. It matters little to us whether it is the United States of America or the Soviet Union. A question arises that before Dr. Manmohan Singh meets the President of the United States, naturally this Bill has to be passed immediately on the floor of the House. I do not share and I do not agree with this idea or thinking.

I firmly believe that this Bill which has been tabled will certainly help to develop the power projects of this country and without power, a country can never develop economically. Even today, whichever steel plant and project emerges, it is asking for a captive power plant. Without a captive power plant, no steel plant can grow in the coming days. But only through pole, we cannot reach our target. We need nuclear power.

In addition, we would say that there is a proposal to set up a nuclear power plant in Haripur of Bengal. We express every time that the local people have to be involved when any proposal is going to be implemented. Forceful occupancy in any case should not be allowed anywhere. It can be on the coastal area or it can take place in barren land. So, we do not agree for setting up a nuclear power plant in Haripur. Neither the local people nor the people of that State are agreeable for this. They are in a mood to send a message to the Government to take it to any coastal area to implement this Haripur project. We fully agree that it should be installed in a place which is acceptable to all of us.

Madam, we believe that this Bill is a timely one. The Government should not have any hesitation in passing this Bill, if necessary by accepting the amendments tabled by the Opposition parties.

From a very important angle, I want to mention here that there are political parties in our country which have extra territorial loyalty going beyond the borders of our country. There are political parties in our country who do not accept or who do not love India as their first home. Their first home is China. They may oppose and they may not support this Bill. But I would certainly say that we know how these parties, which are opposed to this Bill, have tried to betray the cause of our country. They have to be dealt with very firmly and cautiously. We should always be deeply concerned about these forces. We should not allow them to have their say on such issues because the interest of the country will be affected.

We the Members of this Parliament want to see that India becomes more and more powerful and economically sound. By producing and utilizing the nuclear energy, India should remain ahead of other countries of the world. We must keep our head high in the coming days.

We believe we should unanimously support this Bill. We want to see that it is passed immediately.

SHRI T.K.S. ELANGOVAN (CHENNAI NORTH): Madam Chairman, thank you. On behalf of my Party, the DMK, I express my support to this Bill.

The fear expressed by many of the hon. Members is based on the earlier use of nuclear energy. Earlier, nuclear energy was used for destructive purposes, as it was used in Hiroshima and Nagasaki. Now, the nuclear materials are used for civilian purposes, like generation of electricity that too on a high scale. The Government envisages an estimated capacity of 40,000 megawatt over a period of 25 years. A time may come, with the dwindling of petroleum reserves, and with the evolution of technology, wherein even cars will be operated with the nuclear energy. With the development of science anything is possible. But our mindset is still in Hiroshima and Nagasaki. That is the problem now we are facing.

Twenty-five years back when Bhopal gas tragedy occurred, the country did not speak against any chemical installation in the country. Even after that, in the past 25 years, many chemical industries have come up in this country. I can even say that the State of Gujarat leads in the chemical industries. So, a single accident cannot make an industry non-viable in our country. But there is a possibility of an accident. We don't have anything pessimistic in our mind. We only think optimistic. But there are possibilities of accidents. So, this Bill is necessary.

Some of the hon. Members spoke on America's high-handedness. I don't think America is showing its high-handedness or anything of that sort in this matter because we need energy, we need power and our coal-based thermal power plants are not environment friendly and only hydro power plants are environment friendly. The danger caused by thermal power plants may be less, but the danger and damage caused by nuclear power plants may be more and that is why, this Civil Liability for Nuclear Damage Bill is introduced. My humble request to the hon. Minister is that when a Bill of this importance is brought, there must be a system to make it completely democratic with the involvement of the common people, NGOs and other interested groups and all such legislations must be made widely available for public debate and discussion for some time at least so that the Government will receive useful suggestions from the interested groups.

Secondly, there was a talk of the liability of the supplier. Section 17 of the Bill says:

> "The operator of a nuclear installation shall have a right of recourse where such right is expressly provided for in a contract in writing."

We know that all the nuclear power plants are going to be run by the Government as 51 per cent of shares will be held by the Government. Why can we not make it mandatory to have an express provision of right of recourse in the agreement itself between the Government and the suppliers? That would be a way out and make even the suppliers liable and by this process, the demands of our Opposition friends will also be met.

Madam, this Bill will go a long way in ensuring energy security of the country. With the development of science and technology, this may go a long way in helping other fields also like running of automobiles with nuclear energy in this country in future. With these words, I welcome and support this Bill.

SHRI BASU DEB ACHARIA (BANKURA): Madam Chairperson, the Civil Liability for Nuclear Damage Bill is US-centric. It is primarily drafted to serve the demands of the USA and the interests of business firms by defeating the interests of Indian victims. A commitment to this effect was given on 10th September, 2008 when the External Affairs Minister wrote a letter to the US Under Secretary of State Mr. William Burns. I have a copy of that letter and I can quote from that. It says:

> "It is the intention of the Government of India and its entities to commence discussion with nuclear energy firms, conclude agreements after entry into force of the agreement for cooperation in the construction of nuclear power units at two sites approved by the Government of India which would be capable of generating a minimum of 10,000 mw. India also recognizes the importance of establishing an adequate nuclear liability regime. It is the intention of the Indian Government to take all steps to adhere to the Supplementary Convention for Nuclear Damage."

The focus is not on the potential victims, but in this Bill, the main focus is on the nuclear operators and foreign equipment supplies.

Madam, today, we have the total capacity of generating 4,000 MW of nuclear power. We do not have Civil Liability Nuclear Damage Act. For this, the Government does not have to face any difficulty in doing business with equipment suppliers or with operators. Why do we need this legislation? Is it to protect the interests of our people or is it to do business with the United States of America?

Our target for generation of nuclear power by 2035 is about 40,000 MW. From 4,000 MW we want to achieve the target of 40,000 MW. But where from the reactors will come? We have our own technology. We have developed three-phased technology from uranium to plutonium and from plutonium to thorium. I would like to know whether the import of 40 atomic reactors to generate 40,000 MW of nuclear power would block our indigenous development of nuclear power plants on the basis of thorium which is abundantly available in our country. So, we will be permanently dependent on import.

Madam, it is quite surprising that sites have been selected and have been allocated to the foreign suppliers, particularly, three countries, the US, Russia and France. They will supply the reactors. I would like to know whether there was international bidding for this and what is the price of the reactors. Why this has been kept in dark? Even the Parliament has been kept in dark in regard to the price of the reactors. What will be the cost of the generation? That question is also there. The Government should clarify in regard to the cost of generation as it will depend on the cost of the reactors. That has not been clarified. The entire country has been kept in dark.

Madam, we have seen two major nuclear accidents. One happened in the year 1979 in Three Milestones Island in the United States of America and another was in Chernobyl in the erstwhile Soviet Union in Ukraine. We have seen these two major nuclear accidents. We have seen the damage that was done because of the accidents. We cannot compare the accidents of nuclear power plants with other industrial accidents. We have witnessed Bhopal gas disaster.

17.00 hrs.

Today also people are suffering. Only on last Friday, 500 gas victims came to Delhi, and I took the delegation to the hon. Speaker. One 70 year old lady could not stay here. The third generation is also suffering from various ailments today also after 26 years.

In clause 6, a cap has been imposed on compensation. What is the basis of arriving at such an amount? I would like to know whether it is on the basis of Vienna Convention. The IAEA Handbook on Nuclear Law clearly states:

> "The minimum liability amount under the revised Vienna Convention is 300 million Special Drawing Rights (SDRs) of the International Monetary Fund."

In another place, the same IAEA Handbook again says:

> "The nuclear liability conventions require that the operator, if liable without limitation, provide financial security up to an amount that is at least equal to the minimum liability amount under the convention in question: 300 million SDRs under the revised Vienna Convention."

This 300 million SDR amount mentioned in Vienna Convention is not a ceiling; it is floor! You compare this liability amount with the liability amount fixed by other countries like South Korea or Sweden, Japan, Russia, Germany where there is no cap. They were insisting for absolving the equipment supplier of their liabilities of 11.9 billion dollars. You have seen, when there was oil spill in the Bay of Mexico, President Obama imposed a compensation of Rs 90,000 crore, that is $20 billion on BP. What are we doing with UCC or Dow Chemicals? Dow Chemicals, who are now the real owner of UCC, are getting out and they are not taking the responsibility of clearing the poisonous toxic waste in Bhopal. The Government of India is quite helpless. Then why there should be a cap?

I have tabled an amendment that there should not be a cap. In case of SDR and in case of operator's liability it should be Rs. 10,000 crore. Why should it be Rs. 1500 crore? In the original Bill, it was kept at Rs. 500 crore. When the Standing Committee recommended for increasing it to Rs. 1500 crore, they have increased the amount to Rs. 1500 crore. But, why it should be Rs. 1500 crore? If the reactor is more than 10 MW reactor, the compensation for accident should be Rs. 10,000 crore. The Government should accept my amendment.

Although the Minister has circulated an official amendment, it is quite surprising when the Government agreed to amend Clause 17.

When the original Clause was amended further and when there was a suggestion in the Standing Committee for strengthening Clause 17, what the Government did surreptitiously was that they added one word 'and', and this particular word 'and' changed the entire meaning of that Clause. When there was hue and cry, uproar outside Parliament, then the Government removed the word 'and' and put another word 'intent' which further weakened that Clause. If that word 'intent' remains in that Clause, how can anybody prove the intent of the supplier? What is the intent of the Government? It is to indemnify the supplier from the very beginning. This is because of the pressure from outside the country.

What was there in Clause 17 (b) of the Bill recommended by the Standing Committee? It says:

> "The nuclear incident has resulted from the consequence of latent or patent defect, supply of sub-standard material, defective equipment, design or services from gross negligence on the part of the supplier of the material, equipment, design or services; â€¦ "

This was the recommendation of the Standing Committee.

Then, when the word 'and' was added at the last minute to Clause 17 in the recommendation of the Standing Committee, one does not know how it had been done. The Chairman, Rajya Sabha has ordered for an enquiry as to how this particular word was added to change the meaning of the entire Clause, which makes the liability on the part of the supplier contingent upon to prove that it was consequence of an act done with intent to cause nuclear damage.

17.08 hrs.

(Shri Inder Singh Namdhari *in the Chair*)

Mr. Chairman, Sir, if this is accepted, then it will become impossible to ascribe liability on the supplier. We would like to know how and why the Government is under pressure in amending one after another in order to absolve the supplier of the equipment. The Minister should clarify this point.

Then, another amendment has been moved by the Minister – it is an official amendment – to Clause 46. It was very categorically recommended by the Standing Committee. Under the present Atomic Energy Act, only the Government company or the public sector company can undertake the operation of nuclear power plant.

So, no private company can enter into this field. So, it was categorically stated that there will be no private company. But the Government has moved an amendment in clause 7 itself, which says:

> "Provided that the Central Government by notification assume full liability for a nuclear installation not operated by it if it is of opinion that it is necessary in pubic interest. "

Why is this amendment being moved by the Government? The main intention is this. After it would be enacted, then the Government would move to amend the Atomic Energy Act to allow the private sector in nuclear power generation. By allowing private sector in nuclear power generation, they have cleverly kept the operator's liability a low amount and being subsidized by the Government. Why should there be two separate compensation amounts? One is SDR and the other is Operator's liability. Why should there not be one amount for the operator and the supplier?

MR. CHAIRMAN : Achariaji, please listen to me also. There is a constraint of time.

SHRI BASU DEB ACHARIA : I am concluding. I am on my last point now.

In the Statement of Objects and Reasons, the intent of the Government is very much clear. They are talking of the intent. What is the intent of the Government? They have mentioned about three Conventions – Vienna Convention; Paris Convention; and the Convention on Supplementary Compensation. Now, the US is forcing us to join the Convention on Supplementary Compensation. Why? Thirteen countries have joined but only four countries have ratified the Convention on Supplementary Compensation. Unless the number of countries ratify this Convention, it would not be entered into force. That is why the US is pressurizing our country to join and ratify this Convention.

As per Vienna Convention, the suppliers are protected. In order to provide protection to the supplier, the Government's intention is to join the Convention on Supplementary Compensation. The Government should not join any of the Conventions because we would not be the gainers by joining this Convention under the US pressure. We would not be the gainer; we would not have the access to any international fund. This has been stated in the Statement of Objects and Reasons.

Therefore, I demand that the cap, which has been put in the Bill in regard to payment of compensation should be removed.

With these words, I conclude.

SHRI B. MAHTAB (CUTTACK): Mr. Chairman, Sir, I stand here to deliberate on the Civil Liability for Nuclear Damage Bill, 2010.

It seems the euphoria generated by the end of India's nuclear isolation has evaporated. It seems the nuclear establishment is satisfied with getting NSG clearance only to get badly needed fuel for our present nuclear power plants and enable them to import nuclear fuel.

We were told that a goal was laid to have 20 GW of nuclear power by 2020 and a further 25 GW, post the Indo-US nuclear deal. To achieve this from the present level of 4.6 GW from 19 smaller reactors, it would need a financial investment of some Rs.3,65,000 crore. Each plant of 1000 MW costs approximately Rs.9,000 crore and takes five to seven years to construct. This shows the gigantic scale of the task ahead. Can the Government and the public sector NPCIL alone, deliver this, and do you have sufficient financial and technical resources to do so? It is doubtful.

We want nuclear energy but need foreign help for it. Foreigners are now willing to sell us whatever it takes to build nuclear

power plants. But there is a problem. What if the nuclear power facility blows up as in Chernobyl in 1986 or develops a leak as in Three Mile Island in 1980. We would like to have a liability law. The Government has come out with this Bill, which has undergone various changes and will also be amended here again. The compensation is being increased from Rs.500 crore to Rs.1500 crore. But the suppliers' liability is still a matter of concern. I would like to know from the Government whether we have an agreement with Russia containing this clause. If not, then will it not be discriminatory? The USA has developed relationship with us not merely for strategic reasons but also to ensure a revival of its nuclear energy industry which has been in doldrums since 1973. Let us accept this.

The most confused and controversial issue is that of restricting suppliers' liability. Some have argued here that this will allow foreign firms to get away with murder in case their components are responsible for an accident. This is simply false. If a nuclear supplier is guilty of direct responsibility for such an accident, it can be sued for damages on the basis of existing product liability laws and the Law of Torts, embodied in numerous Supreme Court judgements. This is completely separate and different from the compensation provided by nuclear liability norms. A victim of a nuclear accident needs to be provided compensation under both product liability and nuclear liability. Here, of course, is the crux. He can be compensated under product liability if it can be proved that a supplier, operator was directly responsible for the accident. Nuclear liability does not care who is responsible for the accident. It is similar to an *ex-gratia* payment, and it seeks only to provide speedy compensation to a victim.

The international norm is to fix this compensation on the reactor operator. Suppliers are not responsible because a single reactor can have thousands of component providers and given the life cycle of a reactor, many of these suppliers may no longer exist. I would suggest that the suppliers' liability should be part of normal product liability, which is about compensation on the basis of fault.

It is not part of nuclear liability which is about compensation regardless of fault. I am of the opinion that without private sector involvement, both Indian and foreign, the ambitious nuclear power targets cannot be met. Allowing foreign companies to participate in this sector will bring in additional finance, technology and operational experience. It will expose NPCIL to competition and stimulate it to remain competitive. Safety and security as well as liability issues should be applied uniformly to all power plants. The NPCIL should have to stand on its own feet and not depend on Government subsidies or bail-outs.

For healthy growth of nuclear power sector in the new international dispensation, there should be minimum barriers to entry by private players and an efficient regulatory system that balances the interests of producer and consumers. We are far from this. Another major compromise the Government has agreed to is to keep private firms like L&T and Tatas out of the reckoning for running nuclear power plants. These will thus be run only by the Government or Government owned companies. That is a good starting point. But as time goes by, it may become necessary to take private players on board to meet the target, which Government agencies may find too ambitious to meet on their own. I am reminded here that the Atomic Energy Act prescribes that a company in which not less than 51 per cent of the paid up share capital is held by the Central Government can operate nuclear stations. This keeps the prospect of joint venture between private and Government companies provided that the Government holds the majority stake. It is a different matter that the Government has not announced any plans for forming such joint venture companies, but the option of doing so in future is always there with the Government and the amendment that is circulated amply demonstrates it in serial number two. I need not go into the details because of paucity of time.

I would like to draw the attention of the House towards Section 46 at Page 13 of the Bill. Section 46 says that the provision of this Act shall be in addition to and not in derogation of any other law for the time being in force and nothing contained herein shall exempt the operator from any proceedings, which might, apart from this Act, be instituted against such operator.

MR. CHAIRMAN : There is a paucity of time.

SHRI B. MAHTAB : We are dealing with nuclear energy and I am dealing with the Bill. I am not talking on anything else.

MR. CHAIRMAN: Please conclude now because you have given the salient points.

SHRI B. MAHTAB : I am dealing with the provisions of the Bill.

As such, no fault compensation should be in addition to what is due under the extant law. Whether this squares with Section 35, which rules out a civil court from having jurisdiction over any matter in which the Claims Commissioner under the proposed law has jurisdiction is far from clear. Laws need to be rid of fuzziness, not just of partisan politicking.

The issues, therefore, are:

(a) The liability cap on the operator may be inadequate to punish victims in the event of a major nuclear disaster;

(b) may block India's access to an international pool of funds; and

(c) is low compared to some other countries.

Further, when the extent of environmental damage and consequent economic laws will be notified by the Government, this might create a conflict of interest in cases where the Government is also the party liable to pay compensation.

The right of recourse against the supplier provided by the Bill is not compliant with international agreements the Government may wish to sign. As I had stated earlier, though the Bill allows the operators and suppliers to be liable under other laws, it is not clear which other laws will be applicable. Different interpretations by courts may constrict or unduly expand the scope of such a provision.

Sir, I have read somewhere that limiting nuclear liability may affect safety standards. Once the liability of the operator is capped as this Bill states, and the nuclear damage exceeds this amount, the Government is liable to compensate victims subject to the cap. A higher insurance cover implies higher electricity costs. Calculations indicate that the electricity cost would go up.

Clause 17 of the Bill permits the operator to take recourse against the supplier. This may be an impediment if we want to join international agreements on civil liability for nuclear damage. Most countries do not provide for a right of recourse against suppliers of nuclear material. South Korea and Japan provide for recourse against suppliers, but they are not party to the conventions like Vienna Convention of 1963 and Paris Convention of 1961.

Under clause 18, claims for compensation can be filed within ten years of the date of notification of a nuclear incident. This may be inadequate in cases where the effects of radiation are discovered after a substantial period of time. In some cases, the effects of damage may also be discovered only in the next generation of those exposed to the nuclear radiations. Some countries provide for a period greater than ten years for claiming compensation. Germany has it more than ten years. South Korea has for loss of life and injury - within 30 years; the Netherlands have for damage to persons - within 30 years; Romania for loss of life and injury - within 30 years; but we have restricted ourselves to ten years.

In clauses 5 and 46, the Bill does not clearly define what type of law will be applicable. Differing interpretations by courts, as I had stated earlier, will lead to confusion. Compensation to be paid by an operator under this Bill â€¦.

MR. CHAIRMAN : Please conclude now.

SHRI B. MAHTAB : Sir, I need another two minutes.

We have Environment Protection Act, 1986. There, the penalty is imprisonment for up to five years. We have Water Act, 1974 and we have Air Act, 1981. There, the penalties are imprisonment for up to six years and fine. We have Indian Penal Code, 1860 which prescribes imprisonment and fine for offences such as criminal negligence, public nuisance and culpable homicide. We have general principle of liability in law of torts where compensation to the extent of damage caused and exemplary damages can also be awarded as it is there in the law.

Before concluding, I would like to say that the need for sufficient power generation cannot be over-stressed. So far, foreign suppliers were reluctant to do business with us in the absence of a well defined liability law. Now this stumbling block is more or less out of the way. Many countries require operators to provide financial security. This usually helps cover the operator's liability in the event of an incident. In this respect, the US system is somewhat unique.

In addition to insurance, the law in the United States requires compulsory contribution by each operator ...(*Interruptions*)

MR. CHAIRMAN: Now, the time is fixed for passing the Bill. Therefore, please conclude your speech.

...(*Interruptions*)

SHRI B. MAHTAB : Sir, allow me to mention two more sentences.

SHRI ARJUN CHARAN SETHI (BHADRAK): Sir, he is concluding. ...(*Interruptions*)

MR. CHAIRMAN: He is concluding.

...(*Interruptions*)

SHRI B. MAHTAB : Sir, it is only with your permission that I can conclude.

MR. CHAIRMAN: Yes, please conclude in one minute.

SHRI B. MAHTAB : I am mentioning here the last point. It is about the United States insurance. In addition to insurance, the law in the United States requires compulsory contribution by each operator to a special fund. This fund, established under the Price-Anderson Act, can be used for additional compensation. The current estimates put the fund at around US $ 11.9 billion. Currently, in India, there is no law governing nuclear event liability. This is set to change with the introduction of the civil liability for nuclear damage, and this change is for the better.

MR. CHAIRMAN: The next speaker is Shri Adhalrao Patil Shivaji. I am giving you five minutes time to speak.

SHRI ADHALRAO PATIL SHIVAJI (SHIRUR): Thank you, Mr. Chairman, Sir. Thank you for giving me an opportunity to speak on this very important Bill, namely, Civil Liability for Nuclear Damage Bill, 2010.

A lot of hon. Members have spoken about whether we need nuclear energy or not. There is no doubt, looking at the country's growth and power requirement, that we do really need nuclear energy. But while considering this, we must also think about the security and safety of the nuclear field.

This Bill was originally referred to the Standing Committee on Science and Technology for its report, and the Standing Committee has recommended certain amendments to the Bill keeping in view the national importance of this Bill. However, the Government has come out with a different version of the Bill before the House setting aside the amendments suggested by the Standing Committee.

The Committee's draft had provided for supplier liability under clause 17 (b) in the case of latent or patent defect or sub-standard material or defective equipment or gross negligence and clearly making supplier liable for the above acts. However, I fail to understand this. Why is the Government bent upon to save the suppliers from the acts of negligence and other acts suggested by the Standing Committee by deliberately adding the word 'intent' to clause 17 (c), which talks about suppliers liability implying that supplier will not be liable for an accident unless there was an intent on his part to cause it.

It is very surprising that the same word 'intent' has been brought in again though the Committee had rejected the suggestion outright at the time of consideration of the issue. This new word, which has been brought in, substantially nullifies the supplier's responsibility. What is more shocking is that the victim will have to prove that the producer or the operator supplied defective items before they can get any compensation.

Strict liability means that the victim is relieved from proving fault. This simplifies the litigation process removing any obstacles, especially, such as might exist with the burden of proof given the complexity of nuclear science. In layman's terms, strict liability means that the claimant does not need to prove how an accident occurred.

The Standing Committee also recommended the insertion of the word 'and' between the two clauses of 17 (a) and (b), which makes it mandatory for the operator to enter into an agreement with the supplier for claiming any liability from the later.

However, subsequently, this 'and' between Clause 17 (a) and (b) has also been dropped which clearly shows the Government's intent, to let suppliers off the hook. These existing provisions are neither practical nor implementable and need to be amended keeping in view the recommendations of the Standing Committee which arrived at the conclusion after a thorough examination of the Bill. I urge upon the Government to look into the matter seriously and bring necessary amendments to the Bill on the lines of the Report of the Standing Committee.

I oppose the Bill in its present form as most of the Members have taken objection to Clause 17 (b) and (c). I request the Government to consider and amend this clause 17 (b) and (c).

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF WATER RESOURCES (SHRI PAWAN KUMAR BANSAL): Sir, I would request you to kindly postpone the Half-an-Hour discussion matter that is listed as the last item in today's list of business at Item No. 24.

MR. CHAIRMAN : If the House agrees, it may be postponed.

SHRI B. MAHTAB : My only concern is that it belongs to our Party which had given this notice.

SHRI PAWAN KUMAR BANSAL: We can take it up at any other time which the hon. Speaker may fix. We will have it at any other time which the hon. Speaker may fix. But my only request is for today, we may postpone that and let us continue with this discussion.

SHRI B. MAHTAB : My only concern is it should be taken up in this Session itself.

MR. CHAIRMAN: It is accepted.

SHRIMATI SUPRIYA SULE (BARAMATI): I stand here on behalf of my Party in support of the Civil Nuclear Liability Bill. I am very proud to say that I come from a State which has the first nuclear reactor in this country which today also generates 1400 MW of electricity for Maharashtra. Under the leadership of Shri Vikram Sarabhai and Homibabha, Tarapur started this and today we have six other reactors which are doing exemplary work.

Today our nation which is absolutely in the robust growth, it is an energy-hungry nation today. We definitely need technologies. I think this entire debate today is focused on the electricity deficit we have. A lot of numbers country-wide have been given. To give you a little example of my State, today Maharashtra has a deficit of 5000 MW. There are schools, there are health issues and there are development projects which are all held back purely because the engine to development today is electricity and that is where our nation lags. So, I think we are all very concerned about electricity and this entire Bill has to be pushed through because we need the electricity for the growth of the country.

Today even if you notice why are we looking at this particular Bill, my colleagues who all spoke earlier have talked about natural resources which are going to die down, today environment is probably one of the hottest and most fashionable thing everybody is talking about, and you see so many projects getting delayed. Even the Power Ministry today in the State I come from has six mega-projects which are held up because of environmental clearances. What is the next option for us? The next option is this power.

If you look at France, half of energy or nearly 75 per cent of energy comes from this energy; in Slovakia, it is 54 per cent; US, though it talks a lot about it, yet does have 20 per cent. So, what option do we have, but to turn to this energy? If you notice, we need a domestic legislation. I remember looking at a very heated debate in this House when 123 Agreement was discussed. But this is a much friendlier debate. I think it is a much nicer atmosphere and we are telling the world that we are serious about our commitment of passing this and we are concerned about the people of this country. We just debated the Bhopal Gas Tragedy. I think that was an alarming step because after 25 years, we are still talking about what the people have not got. I think we are proud to be a part of this Government which has put the damages and compensation on top of the agenda before committing anything to any country in this world.

At the international level, if you see, there are four instruments of nuclear liability: in 1960, the Paris Convention; in 1963, the Vienna Convention; in 1997, the Protocol to amend the Vienna Convention; and in 1997, the Convention on Supplementary Compensation. I think the whole of idea of bringing this is to have a domestic legislation which is our own to protect our people I do not think it has got anything to do with any other country, as many of the speakers earlier have said. The Bill addresses the most critical issues, which is the cap, which is the level of compensation, which is taken up.

I think what hon. Jaswant Singhji said in his speech was absolutely true. There is no value that can be attached to any life. Nobody wants an accident and nobody can predict an accident. But these things do happen sometimes. They have happened in various countries but not in the last 20 years. For sure, we must take care of it. In that case, we have taken the notch to Rs.1500 crore. And that is not a cap. It can be taken ahead, if the Government intervenes. So, let us not get tied down with the Rs.1500 crore mark.

The second point which has been taken is denoting the responsibility of specific parties. There is this whole debate of operators and suppliers going on. I do not think anybody is going to be left out. Whoever is liable for the disaster will definitely pay for it. At the same, let us not make it so stringent that people would get scared to invest. It is not only about foreigners. What makes you think we are only going to be buyers? With good technology coming, maybe in the next twenty years India would be a major player in the nuclear game and we would be supplying to other countries. We must keep that as an option.

We are even looking at setting numeric powers for liability insurance. I think insurance is something which is addressed. I am thankful to the hon. Minister who has covered all these points. One more point is about creating authoritative bodies to

assess claims. There is the Nuclear Damage Claims Commission, the Atomic Energy Regulatory Board, and the Nuclear Liability Fund, which is going to be very critical in distribution of compensation under the Bill.

The Nuclear Damage Claims Commission, in the Atomic Energy Act as well as the Environment Protection Public Liability Insurance Act today have no jurisdiction over accidents caused by radioactivity and I think the environmental impact.

Today, if you notice, we are going to set up nuclear parks. There are going to be six nuclear parks all over the country. In the State where I come from is a place called Jaipur which is going to have six nuclear reactors. Today there is no protection for it. You would be surprised but there are a lot of issues about land acquisition in this area. Unless we protect our people, give them the confidence, none of these projects are going to take off. So, we have to definitely consider this, put this entire Bill in place which gives the confidence to the people of this country that these projects are coming in their interest, for their electricity supply, and if at all something worst happens in the form of an accident, which nobody wants, they will always be protected and their generations will be protected.

Nuclear commerce is extremely critical for India. Today we talk about robust growth. Robust nuclear programmes are very critical for us to produce energy, to develop India's health research, technology, advancement in India's space programmes and stimulate global interest and investments in India. I think we need a balanced and timely and adequate compensation development programme and we have to build a globally competitive nuclear industry for our country and make all of us proud and be serious global players as a part of the Nuclear Suppliers Group.

DR. M. THAMBIDURAI (KARUR): Mr. Chairman, Sir, I rise to put forward my Party's views on the Civil Liability for Nuclear Damage Bill, 2010 brought forward by the hon. Union Minister Shri Prithviraj Chavan.

Primarily the Bill is supposed to provide liability for compensation for any damage that a nuclear installation may cause to the civilians. This Bill also provides for establishment of Nuclear Damage Claims Commission and also make the appointment of Claims Commissioner. During the normal circumstances the liability clause would not have caused so much objection or resistance. But, since this is going to be a nuclear installation and since the suppliers are going to be foreign countries, there is so much importance being given to this aspect, especially when the Bhopal gas tragedy is still alive in our mind.

We cannot imagine the level of damage a nuclear accident can cause. The main objection to the Bill was to Clauses 7(1) and 17(B). These are the things most of the Members have raised. Actually, earlier the Government wanted to introduce the Bill but it was delayed because of the apprehensions expressed by many Members. Because of that delay, so many changes have taken place in the Bill. The Government has already proposed 18 amendments to this Bill. That shows that the Government is willing to consider the views of the Members and it has no objection to their views.

My second point is related to compensation. Some hon. Members have said that people will suffer but nobody will be there to get them the compensation. Safety is very important. The Government must give importance to the safety aspect.

That is why, the Bill contain many stringent clauses concerning suppliers and operators. In Tamil Nadu, we have two facilities – Kalpakkam is already functioning as a Nuclear Energy Power Station and Koodankulam is going to start its functioning and efforts are being made in that direction. In the meanwhile, there is apprehension among the people as to whether it would cause damage to the public. Therefore, this aspect should to be dispelled by the Government.

Three apprehensions have been raised by most of the Members. One is that due to the US pressure, the Government is bringing the Bill. We must not yield to the pressure. This aspect too should be cleared by the Government. There must not be any impression credited, that our country is bowing to any pressure from any other country. This is a very important aspect, which has to be cleared.

When the US companies are coming forward to install the nuclear plants here, we have to be very careful from the suppliers point of view also. I am saying not only of the US, but of other countries also.

Regarding the compensation cap, the Government has increased the cap from Rs.500 crore to Rs.1,500crore but many hon. Members have stated that there should not be any cap because in many countries, they are not insisting on the cap. Therefore, that cap can be removed. This is one of our suggestions.

Regarding the intention, about which many hon. Members have raised doubts, I do not want to go into that further. The Government must definitely have good intention to see that the Bill considers all the suggestions made by the hon. Members and the Government must take all the precautionary measures to ensure that safety of the civilians in the country

is taken care of.

श्री नामा नागेश्वर राव (खम्मम): सभापति महोदय, देश में बिजली की कमी को दूर करने के लिए सरकार न्यूक्लियर पावर प्लांट देश में लगाना चाहती है। उसके लिए उसने तीन देशों अमेरिका, रशिया और फ्रांस का चयन किया है। एक माननीय सदस्य ने इस बिल पर बोलते हुए दो इश्यूज़ रेज़ किये। उन्होंने कहा कि कोल बेस्ड पावर प्लांट लगाने में सबसे बड़ी बाधा पर्यावरण क्लियरेंस की आती है। अगर देखा जाए तो आज के दिन तक सबसे ज्यादा कोल बेस्ड पावर प्रोडक्शन चीन में हुआ है। वहां कुल छः लाख मेगावाट बिजली पावर प्लांट से उत्पन्न होती है। हमारे देश में बिजली का कुल उत्पादन 1,35,000 मेगावाट है, जिसमें कुछ हाइडल और गैस से भी बिजली पैदा की जाती है। हमारे देश में बिजली पैदा करने के काफी संसाधन हैं। कोल को वाशिंग टेक्नोलॉजी अपनाकर और पर्यावरण को कंट्रोल करके हम उस वाशिंग टेक्नोलॉजी से कोल के आधार पर काफी पावर प्लांट्स बना सकते हैं। हमने अपने हाईडल संसाधनों को पूरी तरह से टैप नहीं किया, यहां तक कि हमने दस प्रतिशत भी हाइडल संसाधनों को टैप नहीं किया है। हाइडल पावर प्लांट पूरी तरह से पर्यावरण मुक्त होते हैं। इसलिए सरकार को इस पर ज्यादा ध्यान देना चाहिए।

न्यूक्लियर पावर प्लांट लगाने में सरकार इतनी जल्दबाजी क्यों कर रही है, जबकि हमारे देश में बिजली पैदा करने के अन्य सोर्सेज़ भी हैं। हमने अपने संसाधनों को पूरी तरह से टैप नहीं किया है। आज जो हम विकसित देशों के साथ मिलकर न्यूक्लियर पावर प्लांट लगाना चाहते हैं तो उन विकसित देशों का आप इश्यू देखें कि अमेरिका में न्यूक्लियर पावर जनेरशन करीब 1 लाख 63 मेगावाट है, फ्रांस में 63,130 मेगावाट है। इसके साथ ही रशिया में 22693 मेगावाट बिजली न्यूक्लियर पावर प्लांट से हो रही है। जापान में भी 46832 मेगावाट बिजली न्यूक्लियर पावर प्लांट से पैदा हो रही है। इसमें महत्वपूर्ण फैक्टर यह है कि जिस देश में न्यूक्लियर पावर प्लांट से बिजली पैदा हो रही है, वहां से जो हम रिएक्टर आयात कर रहे हैं, उनमें अमेरिका, रशिया और फ्रांस हैं। उन देशों की आपरेटर लायबिलिटी और गवर्नमेंट लायबिलिटी देखें तो काफी ज्यादा है। अमेरिका में आपरेटर की लायबिलिटी 11,900 मिलियन डालर्स की है। फ्रांस का भी 861 मिलियन डालर्स की लायबिलिटी है। रशिया की लायबिलिटी अनलिमिटेड है, क्योंकि वहां एक एक्सीडेंट हो चुका है, जिसके बारे में कई माननीय सदस्यों ने यहां जिक्र किया है। इसके साथ गवर्नमेंट की लाइबिलिटी इन तीनों देशों में असीमित है। मैं सरकार से एक बात पूछना चाहता हूं जब उन देशों में इतनी लाइबिलिटी है तो अपने देश में सप्लायर की लाइबिलिटी उसी तरह की क्यों नहीं है, यह मांग हम क्यों नहीं कर रहे हैं? उसके बारे में सदन को बताया जाना चाहिए कि ऑपरेटर और सप्लायर दोनों के बीच में लाइबिलिटी क्या है? जिस देश से हम रिएक्टर्स इम्पोर्ट कर रहे हैं उसके बारे में सदन को बताया जाना चाहिए।

दूसरा, रूस में we are already having a dispute. रुस में पहले से ही एनटीपीसी के साथ पावर-प्लांट देने में डिस्प्यूट है और उस डिस्प्यूट को अभी तक हम क्लीयर नहीं कर पाए हैं। फिर क्यों हम न्यूक्लीयर में उसके साथ जा रहे हैं, इस बात को भी क्लीयर करना चाहिए। अभी तो कहते हैं कि पावर-हंग्री है, एनर्जी हंग्री नहीं है, अभी तो फूड हंग्री लोग देश में बहुत हैं - पहले उसके बारे में सोचें। ...(व्यवधान) मेरा कहना है कि लाइबिलिटी इश्यू को एक बार फिर से देखना चाहिए और जो भी पावर-प्लांट्स लगें, उनके लिए लैंड-एक्वीजिशन टाइम पर किसान को उचित मुआवजा मिले।...(व्यवधान)

MR. CHAIRMAN : These are not to be recorded.

*(Interruptions) â€¦**

MR. CHAIRMAN: Please address the Chair.

श्री नामा नागेश्वर राव : सर, हम यही कहना चाहते हैं कि जो इम्पोर्टेंट फैक्टर्स हैं वे मिस हो गये हैं, जिस कंट्री से रिएक्टर्स इम्पोर्ट कर रहे हैं, उस कंट्री की लाइबिलिटी, उसके सप्लायर की लाइबिलिटी उसमें लेनी चाहिए। आखिर में मैं कहना चाहता हूं कि हम लोग जो रिएक्टर्स इम्पोर्ट कर रहे हैं, उसी की वजह से एक्सीडेंट होते हैं, उन्हें प्रोपर्ली कवर करना चाहिए। यह ऑपरेटर का काम है, कहकर, तुंत सप्लायर अपने हाथ धो लेगा, यह नहीं होना चाहिए। यह बहुत महत्वपूर्ण है और इन सब बातों को कंसल्ट करते हुए ही हमें कदम आगे बढ़ाना चाहिए। पहले ही भोपाल का इश्यू हमारे देश के लिए उदाहरण है। यह सब चीजें कंसल्ट करते हुए और आगे बढ़ने के लिए इस गवर्नमेंट को इस पर ध्यान देना चाहिए।

SHRI GURUDAS DASGUPTA (GHATAL): Sir, I rise to express my deep apprehension, deep misgivings and deep concerns at the massive programme of nuclear power generation in the country.

I have my misgivings, but that does not mean that I am not Indian. I feel that the country is hungry – hungry for power because there is no power and hungry because there is no food. Therefore, the question of meeting the demand of power is an utmost important national priority.

But the issue is nuclear power development is extremely costly. I am limiting my points. The Government has not calculated the total cost involved in the generation of nuclear power and import of 40 reactors from America. Whether a country like India can afford this and whether a poor country like India can afford this – that is the biggest question; without going into the economics of this, it is difficult to come to a conclusion.

Secondly, I do not believe that nuclear power is the only alternative for India. What is the coal deposit? We cannot say how

much of coal is deposited in India because exploration has not been completed in India even today. So, nobody can say what is the actual total coal deposit in the country. Nobody has calculated the strength of hydro-electric power. So, without making a scientific assessment about the power potential the country is having, it is a myth and it is dubious to say that if we have to meet the power-hunger, we have to depend on nuclear power generation. It is a scientific myth; it should not try to impose upon the House to get this Bill passed.

Thirdly, there is a strong view; and the view is not the political view; the view is of the scientists.

The scientists' view is that excessive emphasis on nuclear power generation may undermine the development of Thorium power generation in the country. That is also equally important. I have always a feeling that sometimes Government becomes too-much one-point-centric programme. Government becomes too much obsessed with one particular consideration. I do not say that it is a political consideration. It is for the Government to clarify. But it is sometimes one-point obsession that leads to the country to a different direction than it should go.

Why this unusual hurry? I do not connect it to the visit of Obama. I am not connecting it. Somebody may do it. I may not agree. Why this unusual hurry? Why we could not have discussed it a little more? This unusual hurry arises not out of political patience and prudence but out of political compulsion. What is the political compulsion only the Government can clarify?

We are placing the order with America. I have no objection. I have no doubt. America can supply us. But let us believe that the American reactor industry is having no order for the last 35 years. Therefore, if somebody makes 1 + 1 = 2, what is the answer? Are we coming to the help of the order-starved reactor industry of America? I do not know. I want the answer. Somehow, there is an inter-connection and whether this inter-connection has moved this Government so swiftly, I am not to make conclusion. Conclusion should be drawn by the people, by the history and by the posterity. I can only raise my resenting voice, dissenting voice and a voice to express concern for the people; not to be dubbed as anti-national but to be dubbed as pro-Indian who believes that India's development depends on a correct technological strategy and economic programme.

I would not comment about Obama's visit. It may be co-incidental, accidental or incidental, I do not know! I do not know if this hurrying up, pushing up has something to do with the visit of a dignitary. He is welcomed to India. He is an elected President of America. We have a deep love and feeling for the country of Lincoln. Therefore, I am not connecting but somehow this unusual hurry makes people apprehensive. I do not say that I am suspicious but I am saying apprehensive.

Sir, there is also a legal opinion. The Supreme Court has said that the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate *vis-Ã -vis* the principle of strict liability. Therefore, I do not know whether any additional law was necessary. I am only saying that these are the mis-givings in the minds of the people including me. It is for the Government to come clear.

If despite this pronouncement of the Supreme Court, there is a law, I have no objection. *"Adhikantu na doshaya"* Let there be something more. But, there is a big 'but'. Shri Chavan has circulated an amendment: "The nuclear incident has resulted from the act of commission or omission of an individual done with the inentâ€¦.". Sir, 'intent' is a word which is ambiguous. We are passing this law. We are subject to judicial scrutiny. If in the body of the law there is 'intent', how to prove the intent? It is a psychological question. How to establish the intent? Therefore, by introducing this word 'intent' we make ourselves vulnerable to judicial pronouncements which may embarrass the Parliament.

18.00 hrs.

Therefore, the point is this 'intent' is a word which can be explained in a different way, I do not know. I only say that the Government has discussed it with everybody. I know it. I heard the speech of my friend, Shri Jaswantji, his maiden speech as a new member of BJP.

MR. CHAIRMAN : Hon. Members, it is 6 o'clock. We can extend the House till this Bill is passed and thereafter 'Zero Hour' matters would be taken up. I think, the House agrees.

SEVERAL HON. MEMBERS: Yes.

SHRI GURUDAS DASGUPTA : I have listened to the speech of Mr. Jaswantji. I must say I am not surprised. I am thrilled at the left hand support that he has given to the Government. It is good for the Government to have a support either from the

right or from the left. Even if it is a left handed support, it solves the paradoxical problem of numbers. Therefore, it is good that has been done. Therefore, at the end, may I say "मियां बीबी राजी तो क्या करेगा काजी?" ...(व्यवधान)

I am also amused that the Government is having a heavy agenda today. Along with nuclear liability, there is a legislative business for discussing the increase of pension and allowances of the Members. Therefore, we have a very heavy agenda. I do not want to take your time. The Government has given both items together.

श्री शरद यादव (मधेपुरा): सभापति जी, मियां बीबी राजी तो क्या करेगा काजी। यह अच्छी बात इन्होंने कही है, इसमें सुधार कीजिए।

THE PRIME MINISTER (DR. MANMOHAN SINGH): Mr. Chairman, Sir, Shri Prithviraj Chavan, my colleague, in his introductory statement has covered a lot of territory. In the final reply to the debate, he will deal with many technical issues which have arisen in the debate.

My purpose is rather limited. I wish to state categorically that this Bill completes in a way our journey to end the nuclear apartheid which the world had imposed on India in the year 1974. To say that this is being done to promote American interest and to help American Corporations, I think is far from being the truth. As far as I am concerned, this is not the first time that I have been accused of doing such a thing. I recall and Advaniji would recall in 1992, when I had presented the Budget of the Congress Government, the whole Opposition, with a few exceptions, rose to say that I should be impeached, that this Budget had been prepared in the United States.

Mr. Chairman, Sir, history will be a judge, what we did in 1991 and how it has contributed to what. Shri Jaswant Singhji calls a resurgent and assertive India. I leave it to the people of this country to judge. It is with this very motivation that our Government has tried to complete the journey towards ending the regime of nuclear apartheid. To say that we have in a way compromised with India's national interest would be a travesty of facts.

Without going into the details, I would once again assert that while we have pursued this Bill with determination, this process was started in 1999. When I looked at the old files of the Atomic Energy Commission, I found there was a lot of work done by our scientists, by our technologists. They all came to the conclusion that India does need such a law. At that time we were not in power. But it is certainly true that when we came to power, in our discussions with the United States we signed a Memorandum of Understanding on the 10th of September in which we said we would bring such a Bill and enact such a law. This is not, in any way, contrary to India's interest and the fact that it was stated in that memorandum was not certainly an act of anti-national intent as Shri Jaswant Singh tried to imply.

Mr. Chairman, Sir, these are some of the brief comments that I wanted to make. About technical issues that have been raised, my colleague will reply. But I do agree with Shri Jaswant Singh that nuclear energy, utilisation of nuclear energy is a serious issue and that it can be misused. Therefore, I think, all actions leading to use of nuclear energy, I think, must be done with utmost care. His concern about nuclear safety is one which I fully share and I assure the House that we have an independent Atomic Energy Regulatory Board which is an independent entity. The fact that we have so many reactors, 40 reactors and that there has not been one single incident is a tribute to our scientists and technologists who man our nuclear facilities.

Mr. Chairman, Sir, even then I take note of the sentiment that we cannot rest on our laurels. We will do everything to strengthen the Atomic Energy Regulatory Board to ensure that safety concerns receive the attention that they must if we are to use nuclear power as a major source for generating and meeting India's need for energy.

Mr. Chairman, Sir, a question has been raised whether nuclear power is a viable economic option. As of now, all the studies that I have seen done in the atomic energy establishments do state that beyond a certain distance from the coal mines nuclear energy is the preferred option even now. But technology is not constant. Technology is moving and moving fast enough. I cannot predict what the future holds for us but I would like that if the future does throw up the proposition that nuclear power is a viable option, then India should have the ability to make use of nuclear power. Development is not about fixing the technological framework. Development, in the final analysis, is an act of widening the development options that are open to the country and what our Government has done has created more opportunities, more options for India in future to meet its energy requirements.

It is of course certainly true that presently hydro power presents limited options. Coal also offers limited options insofar as the effect on climate change and carbon emissions are concerned. Therefore, nuclear power is an option which we should simply not ignore. What we have done, I think, enables India to enter into nuclear commerce with other willing countries in order to widen its development options in meeting its energy requirements.

Mr. Chairman, Sir, with these words, I beg of this House to pass this Bill with unanimity.

SHRIMATI HARSIMRAT KAUR BADAL (BHATINDA): Sir, at the time of signing the 123 Agreement, it was made evident that India would have to follow the terms of the Nuclear Suppliers Group which entailed a new Act to be enacted where nuclear vendors selling reactors to India would be immune from any liability.

18.10 hrs.

(Dr. M. Thambidurai *in the Chair*)

It seems that in its present form, the Bill that we are trying to pass today gives the impression of doing exactly this.

It totally indemnifies the supplier of nuclear plants and channelises the entire liability for a nuclear accident on to the operator of the plant and ensures that the supplier has no responsibility to share the safety concerns with the operator especially if they come to light after the equipment has been supplied. Insulating the supplier from the responsibility means that once they have persuaded the operater on the quality of the equipment, they are not liable for any problems that may occur after that.

I feel that, by doing this, it will lead to greater risk where suppliers may, in order to keep their costs down and profits down, compromise on safety. Compromising on safety may lead to nuclear accident but the supplier will be absolved of any kind of liability according to this Bill in case any mishap occurs.

In clause 17 of the Bill which is regarding the Recourse against Suppliers, it seems to be designed with entirely suppliers priorities in mind. By saying that the recovery of damage from the supplier will only be after the proof of the intent to cause damage is totally absurd because, first of all, anyone intending to cause damage ensures that their tracks are covered and no fingers point towards him. Secondly, if the damage is already done, the purpose is achieved, then what is the use of then finding fault with him as he has already achieved his purpose? I feel that this too needs to be changed.

Thirdly, clause 2 of the Bill says that the nuclear damage has to be notified by the Government. Clause 6 says that the Government is the one that can increase the overall cap after notification. The extent of the damages suffered will also be decided by the Government. The Government will have to pay further amount if it exceeds Rs.1500 crores and at present, all nuclear plants are owned by the Government. So, I think, there is a total conflict of interest where the Government decides everything, decides to notify and increase the cap and then the Government itself has to pay. So, I think this clause also needs to be changed and an independent body should be given the responsibility of deciding all these points.

The main point that I would like to come to is, in case of nuclear disaster where the lives of people and property of this nation are concerned, there is no monetary liability that can match it, leave alone Rs. 1500 crores. If you look at countries like Japan where for the same liability, it is 1.2 billion US dollars. They take it that Rs.1500 crores seems like a joke because Rs. 1500 crores today may be a lot of money but 20 years down the line, Rs. 1500 crores does not have that value and the population would be much more than today. Then will there be a body that will decide how this amount keeps increasing?

I would like to point out to you that a study was conducted by Sandia National Laboratory, a US based lab in 1982 on a nuclear plant called the Indian Point Nuclear Power Plant near New York. They did a study that in the worst case scenario, what could be the worst damage? In 1982, they found that just the property damage of the worst case scenario would amount to almost 274 billion to 314 billion US dollars. This is more than the entire budget of the Government today. What I am trying to say is, in case of an accident, big or small, is the Government equipped to even pay this compensation that we are talking about in case the damages are so great?

When we talk about preparedness, has the Government the means to give this compensation or not? But before that, I would like to come to the preparedness of this country for disasters. Sir, there are floods, cyclones, tycoons, Tsunami, etc. If we look at the preparedness of our country, we may find that not even the basic warning equipment is in place.

Forget mitigation, relief and rehabilitation, which come after the disaster, we do not even have the basic equipment to foresee these things, be it the Bhuj earthquake, be it the Leh cloud burst, be it the tsunami, be it the flood or drought. I would go to the extent of saying that today most of the municipalities in our country do not even have a fire brigade. In case of a man-made fire incident, if we want to call up, we do not even get an answer on the phone for the fire brigade,

leave alone the natural disasters. Today, we do not have preparedness for these natural disasters.

In Delhi every child knew that in the coming monsoon season there was going to be dengue and there was going to be malaria. I would like to know what was the preparedness of the Government. Today, so many people are dying of dengue. In spite of having hospitals, man-power and the logistics, the Government cannot function because it does not have the necessary works in place to avoid this. So, this is the preparedness of our country and of our Government regarding the natural disasters. So, the point that I would like to make is that when we are not prepared for natural disasters, man-made disasters, how are we prepared for nuclear disasters, which are of a huge scale, which we have not even begun to comprehend?

Today, we are talking about nuclear power and nuclear fuel. There are various other things. If we look at the Government of India's statistics, the total installed capacity is 1,62,366 megawatt. ...(*Interruptions*)

MR. CHAIRMAN : Please wind up.

...(*Interruptions*)

SHRIMATI HARSIMRAT KAUR BADAL : I will cut it short and come to the point.

Today, there are many other renewable energy sources which do not carry these kinds of hazards. There is untapped potential in our country in these things.

What about environment concerns? Today, nuclear waste is so dangerous that it has become the biggest problem, not just in our country but in the entire world. Where are the environmentalists now? The radio active waste can cause danger which lasts up to several million years. There is no proper way of getting rid of this nuclear waste. Countries are pouring gallons of atomic nuclear waste into our rivers. ...(*Interruptions*)

MR. CHAIRMAN: There are many Members who are yet to speak. Please wind up.

...(*Interruptions*)

SHRIMATI HARSIMRAT KAUR BADAL : There are discharges from hundreds of plants the world over of radium and thorium which have lives of 1600 to 75,000 years. Did we even think of this?

The last point which I want to say is about the security of these nuclear things. Today, just eighty tones of plutonium can make 10,000 nuclear bombs. How are we going to ensure security of all these things? Who is going to pay for ensuring the security of all these things? How can we ensure that it does not get proliferated and does not go into the wrong hands? ...(*Interruptions*)

MR. CHAIRMAN: Please wind up.

...(*Interruptions*)

MR. CHAIRMAN: Nothing will go on record.

*(Interruptions) â€¦ **

SHRIMATI HARSIMRAT KAUR BADAL : While opposing this Bill in its present form, I would like to say that there is a mad rush to meet the deadline to please certain super powers. We should remember that it is the slow and steady that wins the race. Absolute, stringent and high liability clauses must be put in place to ensure total responsibility of all concerned. From A to Z, each one link of the chain must know what is his liability and what is his responsibility to ensure the safety of millions of people who have no say in this Bill, but who are going to be the worst sufferers of these disasters.

डॉ. रघुवंश प्रसाद सिंह (वैशाली): सभापति महोदय, जब यह विधेयक इंट्रोडयूस किया गया था तो इसका भारी विरोध हुआ था। बीजेपी और लैफ्टिस्ट्स बहुत बेचैन थे। भारी विरोध के बाद बिल को स्टैंडिंग कमेटी में रैफर किया गया। पिछले सप्ताह स्टैंडिंग कमेटी ने रिपोर्ट फाइनल की। एक मशहूर अखबार में छपा कि डील हो गयी है, नरेन्द्र मोदी बेकसूर हो गये हैं तो इस बिल पर विरोध खत्म हो गया। जब अखबार में यह खबर छपी तो सदन में सवाल उठा कि डील हो गई है। देश के हर कोने में चर्चा हो गई, उस दिन सदन की कार्यवाही नहीं चली। आज की बहस और बीजेपी के पक्ष से यह बात साबित हो गई है कि जरूर डील हुई है।

यह सवाल उठ गया है कि क्या डील हुई और कैसे हुई?...(व्यवधान)

महोदय, प्रधानमंत्री जी ने अभी कहा कि देश को ऊर्जा, एनर्जी की जरूरत है। किसी भी हालत में एनर्जी बढ़े और इसकी आपूर्ति हो, इसके लिए हर प्रयत्न किया जाना चाहिए। चाहे कोयला से हो, गैस से हो, पानी से हो, कूड़ा-करकट जलाकर हो, तेल से हो, चाहे न्यूक्लियर से हो जैसे भी हो हमारे पास एनर्जी होनी चाहिए। अपने देश में प्रकृति के कारण डेढ़ लाख मेगावाट पनबिजली की क्षमता है। जिसमें अभी तक केवल 46 हजार मेगावाट का ही इस्तेमाल होने की क्षमता है। 1 लाख 4 हजार मेगावाट पनबिजली का हमने प्रबन्ध क्यों नहीं किया? हम यह सवाल नम्बर एक उठा रहे हैं। हम कह रहे हैं कि न्यूक्लियर एनर्जी से आपूर्ति करेंगे। जब हमारी सारी पनबिजली की क्षमता का इस्तेमाल हो जाये, उसके बाद भी एनर्जी की कमी रहे तो जरूर यूरेनियम आदि से भी बिजली पैदा करनी चाहिए।

महोदय, अभी-अभी मैक्सिको में ब्रिटेन की तेल कंपनी से कुछ तेल छिरिया गया और उसमें 12-13 आदमी मारे गये। तेल फैल गया और उससे पर्यावरण दूषित हो गया। 90 हजार करोड़ रूपये का कंपनी पर जुर्माना हुआ, अमेरिका के प्रेसीडेंट ओबामा ने दावा किया, लेकिन यहां पर न्यूक्लियर से जो विनाश होगा, उसका कोई आकलन नहीं किया जा सकता है कि न्यूक्लियर से क्या-क्या खतरा हो सकता है। लोग कहते हैं कि अभी तक कुछ नहीं हुआ है। कर्नाटक के कैग में अभी हाल ही में पीने के पानी में रेडिएशन चला गया और न जाने कितने आदमी बीमार पड़े, क्या-क्या खतरे हुए।

महोदय, मैं अपनी बात समाप्त कर रहा हूं। क्या खतरा हो सकता है, इसका अनुमान नहीं लगाया जा सकता है। 500 करोड़ से 1500 करोड़ हो गया, कहां 13 आदमी मरे और 90 हजार करोड़, ये कौन सा पैमाना चला रहे हैं, इनका कौन सा मैजरमेंट है? अमेरिका में इसी तरह की लाइबिलिटी है, जिसमें 10 मिलियन डालर हाइक नहीं बढ़ा था। मैं इस सवाल नम्बर तीन का जवाब चाहता हूं।

महोदय, इस विधेयक में जवाबदेही सुनिश्चित नहीं है। यदि कोई खतरा होगा तो सप्लायर, मैन्युफैक्चरर या ऑपरेटर कौन जवाबदेह होगा? यह सवाल नम्बर चार है। इसका निर्धारण इस विधेयक में नहीं है। अंत में गा-बजाकर भारत सरकार को ही, यहां की जनता की बर्बादी, यहीं के पैसे से भरपाई करने की व्यवस्था है। यह ठीक नहीं है। मेरा अंतिम सवाल है कि जब यूरेनियम, प्लूटोनियम आदि से है तो हम थोरियम से कब बिजली पैदा करने वाले हैं? उससे कब न्यूक्लियर एनर्जी पैदा होगी? इसमें क्या अनुसंधान और विकास हुआ है? इन पांचों सवालों का जवाब सरकार दे और तब इसके बाद इसे पास होना चाहिए।

SHRI NARAHARI MAHATO (PURULIA): Mr. Chairman, Sir, I would like to thank you for the opportunity given to me to speak on the Civil Liability for Nuclear Damage Bill.

Sir, today, many hon. Members have taken part in the discussion on this Bill. I want to discuss a few points in brief. Today, we have 4000 MW of nuclear power. Why do we need this legislation? This is my first question. Our target is generation of nuclear power. From where will the reactors come? This is my second question.

It is quite surprising that the reactors of a particular size have been supplied by certain countries. Parliament is kept in dark about the cost of the reactors. This point has not been clarified. What is the liability in this? With India and the US reaching an agreement on the reprocessing of spent nuclear fuel, both the countries have moved closer to implementation of this nuclear deal. An agreement on the reprocessing rights had evaded finalization.

It is because of India's reluctance to allow American officials' entry into reprocessing facilities for inspection and due to the demand for more than one reprocessing facility and for narrowing of the condition under which the US can suspend the reprocessing permission. Negotiations on these contentious issues continued for months and the final agreement reflects a compromise on them with both sides feeling that their grievances and demands have been adequately addressed.

The Bill, as drafted by the Government, has provisions which are not in the country's best interests. My suggestion is that the Government should withdraw this Bill. I would request the Government to convince the country that this legislation serves our needs and interests best.

Then, as per Clause 6 of this Bill, what is the basis for compensation? What is the intention of the Government? Why is our Government under pressure to pass such a Bill? The Minister should clarify this point.

With regard to Clause 46, it is very categorically recommended by the Standing Committee that private companies can enter into this sector, but the Government has moved an amendment to that clause now. I demand that the Government should remove the cap and allow private companies into this sector.

MR. CHAIRMAN : Please conclude now. I am going to call the next speaker.

SHRI NARAHARI MAHATO : With these words, I conclude.

*SHRI PRASANTA KUMAR MAJUMDAR (BALURGHAT) : Hon. Chairman Sir, the Civil Liability for Nuclear Damage Bill 2010 is a very controversial Bill and I rise to oppose it. It attempts to safeguard the interests of the foreign nuclear reactor suppliers. There have been debates and discussions on the provisions of this Bill in the standing committee as well as in the Cabinet. There have also been extensive discussions in the media which proves that the instructions of United States of America have been followed by the Government in toto. The suppliers are not going to accept any kind of liability according to the provisions. We all know that nuclear accidents can happen anytime, anywhere but the suppliers' responsibility and

liability have not been fixed. It will merely depend upon the 'intent' of the suppliers which cannot possibly be proved. In clause 6, the fiscal liability is said to be merely Rs. 1500 crores. Suppose the incidents were to happen in USA, then the fiscal liability would have been to the tune of 10.5 billion dollar. Be it Japan, Russia or Germany, the cap is much higher than that in India.

It has also been said that the victim or sufferers will not have the right to recourse; they will not be able to move courts for getting justice. Infact the operators or suppliers will decide upon the justice and judgement meted out to the victims. Indian laws, rules & regulations will be of no use. Only the laws pertaining to USA will rule the roost. The cases will be decided according to foreign diktats. This Bill is going to thwart the tremendous scientific developments that our country had achieved. There was huge progress in the nuclear sector, in thorium and other radio-active minerals. All these developments will be hindered by the provisions on the proposed Bill.

Environment will be another casualty. Pollution level will increase in leaps and bounds. Therefore this Bill will be extremely harmful to our country on all counts. Thus I once again strongly oppose it and thank you for allowing me to put forth my views.

SHRI PREM DAS RAI (SIKKIM): Mr. Chairman, Sir, I rise in support of the Civil Liability for Nuclear Damage Bill, 2010. My party, the Sikkim Democratic Front supports this Bill which will align our great country in the way the nuclear-enabled countries conduct their business in the civilian uses of nuclear power.

I think most of the speakers before me have covered every possible ground from why we need it and what could be the possible pitfalls. This Bill has received due scrutiny like never before. This also serves as a model in the way Bills receive due diligence before being brought to Parliament.

I agree with the concerns raised by the senior hon. Member Shri Jaswant Singh. Harnessing of nuclear power is extremely dangerous and can be very damaging as has been seen by the Chernobyl disaster.

Therefore, we must pay extreme attention to details in the processes of purchase, installation and operation. Therefore, in order to bring about sanity or orderliness in the way we handle this, the civil liability in the case of nuclear damage by regime is to be constructed in our country.

I congratulate the Government for the manner in which the Bill has undergone many amendments while in consultation with key opponents to the Bill in its original form. I would like to state that there ought to be constant vigil in the way the regime plays out in the future not only here but all over the world, eco system must keep up with the technological progress as well as the way the damages are handled. This is a fast changing scenario we need to build the flexibility to see that it will always remain current in both thought and deed at all times.

With these words, I would like to thank the hon. Chairman for giving me time. Thank you.

MR. CHAIRMAN : Dr. Tarun Mandal, you have to wind up in one minute. Please cooperate. The hon. Minister has to reply. So, I would request you to be very brief.

DR. TARUN MANDAL (JAYNAGAR): Sir, I always remain the last speaker. I seek your indulgence. Please allow me to place four-five points only.

MR. CHAIRMAN: You place all your points in one minute.

DR. TARUN MANDAL : Mr. Chairman Sir, I submitted a notice this morning to the hon. Speaker not to consider this Bill at all in this House because I believe that this Bill will go to serve the major interests of the foreign suppliers and not the people of our country. However, the hon. Prime Minister has already assured the House that it is going to safeguard the all round interests of our citizens.

Sir, I am putting here some scientific and economic points for the consideration of the hon. Minister. As far as pollution and waste products are concerned, not only the accidents but the disposal of waste products is still a problem all over the world to all the scientists. What the US and European countries do under the seabed or in the deserts that also pollutes our sea resources and the Earth. So, it is a perennial hazard and for that reason it should be rejected.

Sir, the cost of production of this nuclear electricity is more than produced by our conventional energy. Our country is full of

resources where the hydro electricity, the bio-gas, the solar remain untapped and fossil reserves only can serve at least more than 150 years. So, we should concentrate on that point.

In a particular amendment, it has been given as ten years for filing of the claim for any property damage and 20 years for any personal damage. The radiation hazards – our evidence is Hiroshima-Nagasaki – can go as per the scientists, up to 1,50,000 years. So, there should not be any bar of time. So, I am opposing this Bill outright and I would like to appeal to the Government to concentrate on our own resources and give energy to our country.

SHRI PRITHVIRAJ CHAVAN: Mr. Chairman Sir, I am extremely grateful to the Members who took part in this very informative debate and I must thank Shri Jaswant Singh who initiated from BJP side who set a very healthy and a constructive tone to the debate. We expected nothing less than this from him.

Sir, two political points have been raised, first of all, why was the Government in such a great hurry and was there a deadline. There is no deadline. I will humbly submit that we were five years too late just for the abstinent opposition of some of our friends which delayed that nuclear expansion by five years. Let us not delay it any more.

Sir, hon. Jaswant Singh Ji referred to the visit of the US President. The former Foreign Minister was unfair to our other friends from France and Russian Federation who are also coming. Let us not forget that India is a resurgent and an assertive country and we are in a position to place orders and people are interested.

I will come to the amendments soon. The Government has accepted, after wide consultation, the two points that were made particularly on the role of suppliers. I have said repeatedly that our law goes further into the jurisdiction of criminal liability which really the civil liability law should not have had. But because we suffered Bhopal, because concerns were expressed, we brought in 17 (b) clause, and there were a lot of agitations on that clause. After discussion with the senior friends from all the political parties, we have brought the word 'intent' which caused a lot of heartburn. Therefore, our Government's amendment is exactly the same as what the BJP and the Left Parties have; I am very thankful to you, Sir, for that.

The word 'intent' or the word 'wilful', all these words came not because we invented them, or there was some sleight of hand, but because these words are used in international legislations, international conventions to which we are a party. A reference was made to CSC. The CSC has been negotiated by a UN agency, IAEA, of which India is a Governing Board Member. We have yet to draft on CSC. But there were objections by the Left parties. Yes, we do not have to join CSC right now; we will only join if the House agrees at a later date. There is no hurry; there is no compulsion to join CSC.

I am unable to accept the amendment by Shri Basudeb Acharia *ji*, who wants the compensation to be raised to Rs. 10,000 crore. We have already accepted compensation to be raised from Rs. 500 crore to Rs. 1500 crore. It is exactly same as in the United States which has the compensation to operators at 300 million dollars.

I would like to take this opportunity to clarify one thing. While the limits of compensation are primarily for taking insurance, you cannot have insurance with no limits, but the compensation is, in fact, unlimited. I want the House to note this fact, whatever the compensation the Commissioner or the Commission will set, that compensation will be paid.

We have also accepted the suggestion of the Opposition to create a fund like in America. The fund will be created immediately. The fund, as it grows over the number of years, will eliminate the gap which exists from the operator's compensation and the Government's figure of 300 million SDRs.

There are two-three other points. There are concerns expressed that whether buying imported reactors will compromise our three-phase nuclear programme. I want to emphatically assure the House that our research programme will not be compromised at any cost. We are going to start the fast breeder reactor next year, and I am proud to say that India now leads the world in the fast breeder technology which will produce uranium for a three-phase third stage programme. The third-stage thorium programme will require large quantities of plutonium but the research is on. We already have advanced heavy water reactor design which will be launched very soon, which will further grow the research in thorium utilization. Thorium utilization is ultimately our guarantee of energy security. This country will never give up research on thorium or research on three-phase thorium programme.

There was a concern expressed that the nuclear industry is dead; it is in recession. I would like to inform the House that there is a nuclear renaissance everywhere. The large plants like the ones which we are considering, which have 1650 MW

capacity, 1000 MW capacity, are being constructed in many countries like France, Finland, America, Russia, and China. We also will be constructing plant not with one technology but four technologies from France, Russia, Japan and the Japanese-US consortium. So, we are not putting all our eggs in one basket. We will evaluate for the best technology and we will further expand that technology. Also, we will start our own programme for similar large plants which will take some time; but our research will continue.

There are one or two last points. Hon. Jaswant Singh *ji* talked about the closeness of atomic energy establishment, the Atomic Energy Commission. I think, it is a point well taken. There was a need, and the programme was entirely strategic, when it had to be kept close. But now that the programme has become more commercial, I think there is need for more openness, and I will take this opportunity to invite all the Members of Parliament to visit the atomic energy establishment either in Mumbai or Kalpakkam or anywhere close to their constituencies and see what good work our scientists are doing.

Gurudas Dasgupta *ji* talked about other options, namely, coal and hydro.

Yes, coal and hydro are very important options. Nobody is saying that we are giving up the options of coal and hydro but there are problems. Therefore, we cannot ignore nuclear option. We are only expanding nuclear option. We know that in hydro there is a great opposition for large dams being built up in the country. Only the other day, my colleague, Shri Sushil Kumar Shinde announced that the Government is cancelling a major hydro project, Lohari Nagpala project, where a sum of Rs.600 crore has already been spent. That project has been given up because of environmental concerns.

So, hydro is not without cost, and the same is the case in respect of coal project. We must do research in clean coal technologies but there is nothing like clean coal. Coal is a dirty fuel. It is running out. Fossil fuel is running out. There will be a possibility of carbon taxation in the near future. Therefore, we have to have a strong nuclear option which this Bill has attempted to establish.

I would just say that we, all of us, have worked very hard to come to a compromise, and I would like to thank every single political party. I cannot name each one of them individually but I thank every one of them for building a consensus on this very important piece of legislation. I think, we need such legislation for non-nuclear sector also, for other strategic industries.

In the end, I wish all our hard work to create this law, and this law is never used ever because our nuclear programme will be so safe that we will never have to use this law.

MR. CHAIRMAN : The question is:

> "That the Bill to provide for civil liability for nuclear damage, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

Clause 2 Definition

Amendments made:

Page 2, *after* line 23, –

insert '(ca) "environment" shall have the same meaning as assigned 29 of to it in clause (a) of section 2 of the Environment (Protection) Act,

1986. 1986;'. (3)

Page 2, *for* line 29, *substitute* –

"*(i)* loss of life or personal injury (including immediate and long term health impact) to a person; or". (4)

Page 3, *for* lines 37 and 38, *substitute* –

(l) "operator", in relation to a nuclear installation, means the Central Government or any authority or corporation established by it or a

33 of Government company who has been granted a licence pursuant to the

1962. Atomic Energy Act, 1962 for the operation of that installation;'. (5)

(Shri Prithviraj Chavan)

SHRI BASU DEB ACHARIA (BANKURA): I beg to move:

Page 3, *for* lines 44 to 48, *substituteâ€"*

'*(o)* "radioactive products or waste" means any radioactive material produced in, or any material made radioactive by exposure to, the radiation incidental to the production or utilization of nuclear fuel;'. (19)

MR. CHAIRMAN: I shall now put amendment no. 19 moved by Shri Basu Deb Acharia to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill."

The amendment was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 4 Liability of operator

Amendment made:

Page 5, *after line 3, –*

Insert "(4) The liability of the operator of the nuclear installation shall be strict and shall be based on the principle of no-fault liability.". (6)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: The question is:

"That clause 4, as amended, stand part of the Bill."

The amendment was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Clause 6 Limits of Liability

Amendment made:

Page 5, *for* lines 36 to 46, *substituteâ€"*

Limits **"6.***(1)* The maximum amount of liability in respect of each nuclear
of incident shall be the rupee equivalent of three hundred million
Liability Special Drawing Rights or such higher amount as the Central
Government may specify by notification:

Provided that the Central Government may take additional measures, where necessary, if the compensation to be awarded under this Act exceeds the amount specified under this sub-section.

(2) The liability of an operator for each nuclear incident shall beâ€"

(a) in respect of nuclear reactors having thermal power equal to or above ten MW, rupees one thousand five hundred crores;

(b) in respect of spent fuel reprocessing plants, rupees three hundred crores;

(c) in respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees one hundred crores:

Provided that the Central Government may review the amount of operator's liability from time to time and specify, by notification, a higher amount under this sub-section:

Provided further that the amount of liability shall not include any interest or cost of proceedings.". (7)

(Shri Prithviraj Chavan)

SHRI BASU DEB ACHARIA : I beg to move:

"Page 5, *for* lines 36 to 46, *substituteâ€"*

Limits of **"6.** The liability of an operator for each nuclear incident shall be â€"

Liability.

(a) in respect of nuclear reactors having thermal power equal to or above ten MW, rupees ten thousand crores;

(b) in respect of spent fuel reprocessing plants, rupees five thousand crores;

(c) in respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees three thousand crores:

Provided that the Central Government may review the amount of operator's liability from time to time and specify, by notification, a higher amount under this sub-section:

Provided further that the amount of liability shall not include any interest or cost of proceedings.". (20)

MR. CHAIRMAN: I shall now put amendment no. 20 moved by Shri Basu Deb Acharia to the put of the House.

SHRI BASU DEB ACHARIA : Sir, I am pressing for division on this particular amendment. ...(*Interruptions*)

SHRI PRITHVIRAJ CHAVAN: Sir, I have already explained to him. ...(*Interruptions*)

SHRI BASU DEB ACHARIA : Sir, I am pressing for division on this particular amendment.

1844 hours

MR. CHAIRMAN: Let the Lobbies be clearedâ€"

MR. CHAIRMAN : Now, the Lobbies have been cleared.

I shall put amendment No. 20 to clause 6 moved by Shri Basu Deb Acharia, to the vote of the House.

The question is:

"Page 5, *for* lines 36 to 46, *substituteâ€"*

Limits of **"6.** The liability of an operator for each nuclear incident shall be â€"

Liability.

(b) in respect of nuclear reactors having thermal power equal to or above ten MW, rupees ten thousand crores;

(b) in respect of spent fuel reprocessing plants, rupees five thousand crores;

(c) in respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees three thousand crores:

Provided that the Central Government may review the amount of operator's liability from time to time and specify, by notification, a higher amount under this sub-section:

Provided further that the amount of liability shall not include any interest or cost of proceedings.". (20)

The Lok Sabha divided:

DIVISION NO. 1 AYES 18.46 hrs.

Acharia, Shri Basu Deb

Baske, Shri Pulin Bihari

Bauri, Shrimati Susmita

Biju, Shri P.K.

Chowdhury, Shri Bansa Gopal

Das, Shri Khagen

Dasgupta, Shri Gurudas

Dome, Dr. Ram Chandra

Karunakaran, Shri P.

Lingam, Shri P.

Mahato, Shri Narahari

Majumdar, Shri Prasanta Kumar

Mandal, Dr. Tarun

Natarajan, Shri P.R.

Panda, Shri Prabodh

*Rajesh, Shri M.B.

Riyan, Shri Baju Ban

Roy, Shri Mahendra Kumar

Roy, Shri Nripendra Nath

Saha, Dr. Anup Kumar

Sampath, Shri A.

Satpathy, Shri Tathagata

Singh, Dr. Raghuvansh Prasad

Singh, Shri Jagdanand

Tarai, Shri Bibhu Prasad

Tirkey, Shri Manohar

NOES

Abdullah, Dr. Farooq

Adhikari, Shri Sisir

Adhi Sankar, Shri

Advani, Shri L.K.

Agarwal, Shri Jai Prakash

Agrawal, Shri Rajendra

Ahamed, Shri E.

Ahir, Shri Hansraj G.

Alagiri, Shri M.K.

Amlabe, Shri Narayan Singh

Ananth Kumar, Shri

Antony, Shri Anto

Anuragi, Shri Ghanshyam

Argal, Shri Ashok

Aron, Shri Praveen Singh

Awale, Shri Jaywant Gangaram

Azharuddin, Mohammed

Baalu, Shri T.R.

Babar, Shri Gajanan D.

Bairwa, Shri Khiladi Lal

Bais, Shri Ramesh

Baite, Shri Thangso

Bajwa, Shri Pratap Singh

Balram, Shri P.

Bandyopadhyay, Shri Sudip

Banerjee, Shri Kalyan

Bansal, Shri Pawan Kumar

Bapiraju , Shri K.

Basavaraj, Shri G. S.

Basheer, Shri Mohammed E.T.

Bavalia, Shri Kunvarjibhai Mohanbhai

Bhadana, Shri Avtar Singh

Bhagora, Shri Tara Chand

Bhoi, Shri Sanjay

Bhonsle, Shri Udayanraje

Bhuria, Shri Kanti Lal

Chacko, Shri P.C.

Chakravarty, Shrimati Bijoya

Chaudhary, Dr. Tushar

Chaudhary, Shri Arvind Kumar

Chauhan, Shri Dara Singh

Chauhan, Shri Mahendrasinh P.

Chidambaram, Shri P.

Chitthan, Shri N.S.V.

Choudhary, Shri Bhudeo

Choudhary, Shri Nikhil Kumar

Choudhry, Shrimati Shruti

Choudhury, Shri Abu Hasem Khan

Chowdhary, Shrimati Santosh

Chowdhury, Shri Adhir

'Commando', Shri Kamal Kishor

Dasmunsi, Shrimati Deepa

Dastidar, Dr. Kakoli Ghosh

Davidson, Shrimati J. Helen

Deo, Shri V. Kishore Chandra

Deora, Shri Milind

Deshmukh, Shri K.D.

Devi, Shrimati Ashwamedh

*Dhanapalan, Shri K. P.

Dhruvanarayana, Shri R.

Dhurve, Shrimati Jyoti

Dias, Shri Charles

Dikshit, Shri Sandeep

Dubey, Shri Nishikant

Dudhgaonkar, Shri Ganeshrao Nagorao

Dutt, Shrimati Priya

Elangovan, Shri T.K.S.

Engti, Shri Biren Singh

Ering, Shri Ninong

Gaddigoudar, Shri P.C.

Gadhvi, Shri Mukesh Bhairavdanji

Gaikwad, Shri Eknath Mahadeo

Gandhi, Shri Dilipkumar Mansukhlal

Gandhi, Shri Rahul

Gandhi, Shrimati Sonia

Gandhiselvan, Shri S.

Gavit, Shri Manikrao Hodlya

Gawali, Shrimati Bhavana Patil

Ghubaya, Shri Sher Singh

Gouda, Shri Shivarama

*Gowda, Shri D.V. Sadananda

Guddu, Shri Premchand

Handique, Shri B.K.

Haque, Shri Mohd. Asrarul

Hari, Shri Sabbam

Harsha Kumar, Shri G.V.

Hooda, Shri Deepender Singh

Hossain, Shri Abdul Mannan

Hussain, Shri Ismail

Jagannath, Dr. Manda

Jain, Shri Pradeep

Jaiswal, Dr. Sanjay

Jaiswal, Shri Shriprakash

Jakhar, Shri Badri Ram

Jat, Shrimati Poonam Veljibhai

Jawale, Shri Haribhau

*Jena, Shri Mohan

Jena, Shri Srikant

Jhansi Lakshmi, Shrimati Botcha

Joshi, Dr. C.P.

Joshi, Dr. Murli Manohar

Kachhadia, Shri Naranbhai

Kalmadi, Shri Suresh

Kamat, Shri Gurudas

Karwaria, Shri Kapil Muni

Kashyap, Shri Virender

Kaswan, Shri Ram Singh

Kataria, Shri Lalchand

Kaur, Shrimati Preneet

Khan, Shri Hassan

Khandela, Shri Mahadeo Singh

Kharge, Shri Mallikarjun

Khatgaonkar, Shri Bhaskarrao Bapurao Patil

Khatri, Dr. Nirmal

Killi, Dr. Kruparani

Koda, Shri Madhu

Kowase, Shri Marotrao Sainuji

Krishnasswamy, Shri M.

Kumar, Shri Kaushalendra

Kumar, Shri Ramesh

Kumar, Shri Virendra

*Kumar, Shri Vishwa Mohan

Kumari, Shrimati Chandresh

Kurup, Shri N. Peethambara

Lakshmi, Shrimati Panabaka

Madam, Shri Vikrambhai Arjanbhai

Mahajan, Shrimati Sumitra

Mahant, Dr. Charan Das

Maran, Shri Dayanidhi

Mcleod, Shrimati Ingrid

Meena, Shri Namo Narain

Meghe, Shri Datta

Meghwal, Shri Arjun Ram

Meghwal, Shri Bharat Ram

Meinya, Dr. Thokchom

Mirdha, Dr. Jyoti

Mishra, Shri Govind Prasad

Mishra, Shri Mahabal

*Mohan, Shri P.C.

Moily, Shri M. Veerappa

Mukherjee, Shri Pranab

*Munde, Shri Gopinath

Muniyappa, Shri K.H.

Muttemwar, Shri Vilas

Nagar, Shri Surendra Singh

Naik, Dr. Sanjeev Ganesh

Naik, Shri Shripad Yesso

Napoleon, Shri D.

Narah, Shrimati Ranee

Narayanasamy, Shri V.

Naskar, Shri Gobinda Chandra

Natrajan, Kumari Meenakshi

Nirupam, Shri Sanjay

Noor, Kumari Mausam

Pal, Shri Jagdambika

Pal, Shri Rajaram

Pala, Shri Vincent H.

Palanimanickam, Shri S.S.

Pandey, Shri Gorakhnath

Pandey, Shri Ravindra Kumar

Patel, Shri Devji M.

Patel, Shri Dinsha

Patel, Shri Kishanbhai V.

Patel, Shri Praful

Patel, Shri Somabhai Gandalal Koli

Patil, Shri Pratik

Pawar, Shri Sharad

Pilot, Shri Sachin

Prabhakar, Shri Ponnam

Pradhan, Shri Amarnath

*Prasada, Shri Jitin

Premdas, Shri

Punia, Shri P. L.

Purandeswari, Shrimati D.

Raghavan, Shri M.K.

Rahman, Shri Abdul

Rai, Shri Prem Das

Raja, Shri A.

Rajagopal, Shri L.

Raju, Shri M.M. Pallam

Rajukhedi, Shri Gajendra Singh

Ramasubbu, Shri S.S.

Rane, Shri Nilesh Narayan

Rao, Dr. K.S.

Rao, Shri Rayapati Sambasiva

Rawat, Shri Harish

Ray, Shri Bishnu Pada

Reddy, Shri Anantha Venkatarami

Reddy, Shri Gutha Sukhender

Reddy, Shri K.J.S.P

Reddy, Shri K.R.G.

Reddy, Shri M. Venugopala

Reddy, Shri M. Raja Mohan

Reddy, Shri Y.S. Jagan Mohan

Roy, Prof. Saugata

*Roy, Shri Arjun

Ruala, Shri C.L.

Sahay, Shri Subodh Kant

Sahu, Shri Chandu Lal

Sai Prathap, Shri A.

Sanjoy, Shri Takam

Sardinha, Shri Francisco Cosme

Saroj, Shri Tufani

Satyanarayana, Shri Sarvey

*Scindia, Shri Jyotiraditya M.

*Scindia, Shrimati Yashodhara Raje

Selja, Kumari

Shanavas, Shri M.I.

Sharma, Dr. Arvind Kumar

Shariq, Shri S.D.

*Sharma, Shri Jagdish

Sharma, Shri Madan Lal

Shekhar, Shri Neeraj

Shetkar, Shri Suresh Kumar

Shinde, Shri Sushilkumar

*Shivaji, Shri Adhalrao Patil

Sibal, Shri Kapil

Siddeshwara, Shri G.M.

Singh, Chaudhary Lal

Singh, Dr. Sanjay

Singh, Kunwar R.P.N.

Singh, Shri Dhananjay

Singh, Shri Gopal

Singh, Shri Jaswant

Singh, Shri Jitendra

Singh, Shri Pashupati Nath

Singh, Shri Rajiv Ranjan Singh alias Lalan

Singh, Shri Ratan

Singh, Shri Ravneet

Singh, Shri Sukhdev

Singh, Shri Uday Pratap

Singh, Shri Vijay Bahadur

Singh, Shri Virbhadra

Singh, Rajkumari Ratna

Singh, Shrimati Meena

Singla, Shri Vijay Inder

Siricilla, Shri Rajaiah

Solanki, Shri Bharatsinh

Sugavanam, Shri E.G.

Suklabaidya, Shri Lalit Mohan

Sule, Shrimati Supriya

Suresh, Shri Kodikkunnil

Sushant, Dr. Rajan

*Swaraj, Shrimati Sushma

Tagore, Shri Manicka

Tamta, Shri Pradeep

Tandon, Shrimati Annu

Tanwar, Shri Ashok

Taviad, Dr. Prabha Kishor

Taware, Shri Suresh Kashinath

Tewari, Shri Manish

Thakor, Shri Jagdish

Thamaraiselvan, Shri R.

Thomas, Prof. K.V.

Thomas, Shri P.T.

Tirath, Shrimati Krishna

Udasi, Shri Shivkumar

Venugopal, Shri K.C.

Vivekanand, Dr. G.

Vundavalli, Shri Aruna Kumar

Vyas, Dr. Girija

Wasnik, Shri Mukul

*Yadav, Prof. Ranjan Prasad

Yadav, Shri Om Prakash

Yaskhi, Shri Madhu Goud

MR. CHAIRMAN : Subject to correction*, the result of the division is:

Ayes: 25

Noes: 252

The motion was negatived.

MR. CHAIRMAN: The amendment was negatived.

The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

MR. CHAIRMAN: Let the lobbies be opened.

Clause 7 **Liability of Central Government**

Amendments made:

Page 6, line 1,

for "7.".

substitute "7.(1)". (8)

Page 6, *after* line 8,--

Insert "Provided that the Central Government may, by notification, assume full liability for a nuclear installation not operated by it if it is of the opinion that it is necessary in public interest.

(2) For the purpose of meeting part of its liability under clause (*a*) or clause (*c*) of sub-section (*1*), the Central Government may establish a fund to be called the Nuclear Liability Fund by charging such amount of levy from the operators, in such manner, as may be prescribed.". (9)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 **Operator to maintain insurance or financial securities**

Amendments made:

Page 6, *after* line10,--

for "financial security"

substitute "financial security or combination of both". (10)

Page 6, *after* line 15,--

*insert 'Explanation.Ââ€"*For the purposes of this section, "financial security" means a contract of indemnity or guarantee, or shares or bonds or such instrument as may be prescribed or any combination thereof.'. (11)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 was added to the Bill.

Clause 10 **Qualifications for appointment as claims commissioner**

Amendment made:

Page 6, *for* lines 25 to 29, *substituteâ€"*

"*(a)* is, or has been, a District Judge; or

(b) in the service of the Central Government and has held the post not below the rank of Additional Secretary to the Government of India or any other equivalent post in the Central Government.". (12)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: The question is:

"That clause10, as amended, stand part of the Bill."

The motion was adopted.

Clause10, as amended, was added to the Bill.

Clauses 11 to 16 were added to the Bill.

Clause 17 **Operator's right of recourse**

MR. CHAIRMAN: The Minister has to move amendment No.13.

SHRI PRITHVIRAJ CHAVAN: I am not moving amendment No.13. But I am moving amendment Nos.26 and 14.

Amendments made:

Page 7, *for* lines 42 and 43, *substituteâ€"*

"17. The operator of the nuclear installation, after paying the

compensation for nuclear damage in accordance with section 6,

shall have a right of recourse where-

(a) such right is expressly provided for in a contract in writing;

(b) the nuclear incident has resulted as a consequence of an act of supplier or his employee, which includes supply of equipment or material with patent or latent defects or sub-standard services;

(c) the nuclear incident has resulted from the act of commission or omission of an individual done with the intent to cause nuclear damage." (26)

Page 8, *omit* lines 1 to 4. (14)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: Shri Basu Deb Acharia, are you moving your amendment No.21?

SHRI BASU DEB ACHARIA : Since the Minister has moved a similar amendment, I am not moving my amendment. He has accepted my amendment.

SHRI PRITHVIRAJ CHAVAN: Yes, we have accepted it.

MR. CHAIRMAN: Mr. Jaswant Singh, are you moving your amendment No.24?

श्री जसवंत सिंह : राष्ट्रीय जनता दल के महत्वपूर्ण और महान् नेता ने मिली-भगत का आरोप लगाया है, इसलिए मैं अपना संशोधन प्रेशित करता हूं।

महोदय, मैं प्रस्ताव करता हूं :

24. पृष्ठ 9, पंक्ति 17 और 18 के स्थान पर निम्नलिखित प्रतिस्थापित किया जाए - 17

अवलंब लेने

का प्रवालक "17, किसी परमाणुवीय संस्थापन के प्रवालक को, धारा 6 के अनुसार

का अधिकार परमाणुवीय नुकसान के लिए प्रतिकर का संदाय करने के पश्चात्, अवलंब लेने

का अधिकार होगा, जहां -

(क) ऐसा अधिकार लिखित संविदा में अभिव्यक्त रूप से उपबंधित किया गया है:

परन्तु यह कि किसी प्रवालक द्वारा परमाणुविक सामग्री, उपस्कर या सेवा के आपर्तिकर्ता के साथ की गई संविदा में इस स्थिति में अवलंब लेने का अधिकार अंतर्विष्ट समझा जाएगा जब परमाणुवीय घटना/दुर्घटना अभिकल्प, विनिर्माण या प्रत्यक्ष गलती; या दोषपूर्ण, घटिया सामग्री, त्रुटिपूर्ण उपस्कर की आपूर्ति, खराब संस्थापन सेवा के परिणामस्वरूप या ऐसी सामग्री, उपस्कर या सेवा के आपूर्तिकर्ता की उपेक्षा के परिणामस्वरूप हुई है:-

(ख) परमाणुवीय घटना/दुर्घटना जो कार्य या लोप के कृत्य के परिणामस्वपूर हुई है जिसे परमाणुवीय नुकसान कारित करने के लिए किया गया समझा जाए। (17)

MR. CHAIRMAN: I shall now put amendment No.24 moved by Shri Jaswant Singh to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN: Shri Gurudas Dasgupta, are you moving amendment No.27?

SHRI GURUDAS DASGUPTA : No.

MR. CHAIRMAN: He is not moving.

The question is:

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18 **Extinction of right to claim**

Amendment made:

Page 8, *for* lines 5 to 7, *substituteâ€"*

"**18** The right to claim compensation for nuclear damage shall extinguish, if such claim is not made within a period ofâ€"

(a) ten years, in the case of damage to property;--

(b) twenty years, in the case of personal injury to any person, from the date of occurrence of the incident notified under sub-section (1) of section 3;". (15)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 **Establishment of nuclear damage claims commission**

Amendment made:

Page 8, *for* lines 15 to 24, *substitute* –

"**19.** Where the Central Government, having regard to the

injury or damage caused by a nuclear incident, is of the Nuclear opinion that it is expedient in public interest that such claims for such damage be adjudicated by the Commission instead of a Claims Commissioner, it may, by notification, establish Commission for the purpose of this Act.". (16)

(Shri Prithviraj Chavan)

MR. CHAIRMAN : The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clause 20 **Composition of Commission**

Amendment made:

Page 8, *for* Lines 27 to 31, *substitute* –

"(2) The Chairperson and other Members of the Commission shall be appointed on the recommendation of a Selection Committee consisting of three experts from amongst the persons having at least thirty years of experience in nuclear science and a retired Supreme Court Judge.". (17)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: The question is:

"That clause 20, as amended stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clauses 21 to 34 were added to the Bill.

Clause 35 **Exclusion of jurisdiction of civil courts**

Amendment made:

Page 11, line 17,â€”

for "No civil court"

substitute "Save as otherwise provided in section 46, no civil court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution)". (18)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: The question is:

"That clause 35, as amended, stand part of the Bill."

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clauses 36 to 45 were added to the Bill.

Clause 46 **Act to be in addition to any other laids**

SHRI BASU DEB ACHARIA (BANKURA): I beg to move:

Page 13, *for* lines 34 and 35,

for "shall exempt the operator from any proceeding which might, apart from this Act, be instituted against such operator."

substitute "shall exempt the operator and/or the supplier of any material, design or services, from any proceeding which may, apart from this Act, be instituted against such person either in any court located in India or abroad". (23)

MR. CHAIRMAN: I shall now put amendment no.23 moved by Shri Basu Deb Acharia to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 46 stand part of the Bill."

The motion was adopted.

Clause 46 was added to the Bill.

Clauses 47 to 49 were added to the Bill.

Clause 1 **Short title, extent, application and commencement**

Amendment made:

Page 2, *after* line 12,â€"

insert "(3*A*) It applies only to the nuclear installation owned or controlled by the Central Government either by itself or through any authority or corporation established by it or a Government company.

Explanation –For the purposes of this sub-section, "Government

33 of company" shall have the same meaning as assigned to it in

1962. clause (*bb*) of sub-section (*1*) of section 2 of the Atomic Energy

Act, 1962.". (2)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula was added to the Bill.

Long Title

Amendment made:

Page 1, *for* long title, *substitute* –

"to provide for civil liability for nuclear damage and prompt compensation to the victims of a nuclear incident through a no-fault liability regime channeling liability to the operator, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto.". (1)

(Shri Prithviraj Chavan)

MR. CHAIRMAN: The question is:

"That the Long Title, as amended, stand part of the Bill."

The motion was adopted.

The Long Title, as amended, was added to the Bill.

SHRI PRITHVIRAJ CHAVAN: I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MR. CHAIRMAN: We will now resume 'Zero Hour'. Shri Prasanta Kumar Majumdar to speak.

...(*Interruptions*)

MR. CHAIRMAN: The House stands adjourned to meet tomorrow at 11 a.m.

18.59 hrs.

The Lok Sabha then adjourned till Eleven of the Clock

on Thursday, August 26, 2010/Bhadra 4, 1932 (Saka).

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* The sign + marked above the name of a Member indicates that the Question was actually asked on the floor of the House by that member.

* Not recorded

* English translation of the speech originally delivered in Tamil

* Not recorded

* Not recorded

* English translation of the speech originally delivered in Tamil

* Not recorded

* Not recorded

* Not recorded

* Not recorded

* Not recorded

* Not recorded

* English translation of the speech originally delivered in Bengali

* Corrected through slip.

* Voted through slip.

* Corrected through slip.

* Voted through slip

* Voted through slip.

* Voted through slip.

* Voted through slip.

* Voted through slip.

* Voted through slip.

* **Ayes :** 25 + Shri M.B. Rajesh corrected through slip=26

Noes : 252 + S/Sh. Jyotiraditya M. Scindia, Jitin Prasada, K.P. Dhanpalan, Prof. Ranjan Prasad Yadav, S/Sh. Adhalrao Patil Shivaji, Jagdish Sharma, Shrimati Yashodhara Raje Scindia, S/Sh. Vishwa Mohan Kumar, Arjun Roy, P.C. Mohan, Gopinath Munde, Shrimati Sushma Swaraj, Shri D.V. Sadananda Gowda corrected through slip =265

Abstain : 1 + Shri Mohan Jena corrected through slip = 2